S. 1260, supra; which was ordered to lie on the table.

SA 1939. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1940. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1941. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1942. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1943. Mr. WICKER (for himself, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1944. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1945. Mr. LANKFORD (for himself, Mr. KING, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1946. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1947. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1948. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1949. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1950. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1951. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1952. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1953. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1954. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1955. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1956. Mr. HAGERTY (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1957. Ms. ERNST (for herself, Mr. CRAMER, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1958. Mr. HAGERTY (for himself, Mr. WARNER, Ms. LUMMIS, Mr. COONS, Mrs. BLACKBURN, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1959. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1960. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1961. Mr. ROMNEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1962. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260 , supra; which was ordered to lie on the table.

SA 1963. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1964. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1965. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1966. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1967. Mr. HAGERTY (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1968. Mr. CORNYN (for himself, Mr. KELLY, Mr. RUBIO, and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1969. Ms. HASSAN (for herself and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1970. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1971. Mr. VAN HOLLEN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1972. Mr. CARDIN (for himself, Mr. WICKER, Ms. CANTWELL, and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1973. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1920. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2510(a)(1)(A)(ii) of division B, insert ''and'' at the end of subclause (III) and strike clause (V).

In section 2510 of division B, redesignate subsection (d) as subsection (e) and insert after subsection (c) the following:

(d) EXCLUSIONS.—The provisions of subsections (a) and (b) shall not apply to—

(1) a covered commodity (as defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638));

(2) any meat or meat food product (as defined in section 1 of the Federal Meat Inspection Act (21 U.S.C. 601)) inspected pursuant to that Act (21 U.S.C. 601 et seq.); or

(3) any poultry or poultry product (as those terms are defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453)) inspected pursuant to that Act (21 U.S.C. 451 et seq.).

SA 1921. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II of division C, add the following:

SEC. 3236. STATEMENT OF POLICY ON MODERNIZATION OF NUCLEAR TRIAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the modernization of land-based intercontinental ballistic missiles, ballistic missile submarines, and nuclear-capable heavy bomber aircraft is essential to the success of any arms control efforts with the People's Republic of China;

(2) the bipartisan consensus on the modernization of the nuclear triad was essential to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed April 8, 2010, and entered into force February 5, 2011 (commonly known as the ''New START Treaty'');

(3) continued support for modernization of the triad will be a necessary consideration during ratification of any future arms control treaty with the People's Republic of China; and

(4) the modernization of the United States nuclear triad is a critical priority as the Russian Federation and the People's Republic of China continue to advance and modernize their nuclear forces.

(b) STATEMENT OF POLICY.—It is policy of the United States—

(1) to advance United States strategic deterrence capabilities both quantitatively and qualitatively;

(2) to ensure the safety, reliability, and performance of United States nuclear forces; and

(3) to fully modernize the United States nuclear triad to ensure a credible deterrent.

SA 1922. Ms. WARREN (for herself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division E, add the following:

SEC. 5311. REPORT ON FOREIGN INVESTMENT IN PHARMACEUTICAL INDUSTRY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Federal Trade Commission, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees, the Secretary of Health and Human Services, the Committee on Foreign Investment in the United States, and the Commissioner of Food and Drugs, a report on foreign investment in the pharmaceutical industry of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of—

(1) the supply chain of the pharmaceutical industry of the United States and the effect of concentration and reliance on foreign manufacturing within that industry;

(2) the effect of foreign investment in the pharmaceutical industry of the United States on domestic capacity to produce drugs and active and inactive ingredients of drugs; and

(3) the effect of foreign investment in technologies or other products for sequencing or storage of DNA, including genome and exome analysis, in the United States, including the effect of such investment on the capacity to sequence or store DNA in the United States.

(c) AUTHORITY.—The Federal Trade Commission shall have authority under section 6 of the Federal Trade Commission Act (15 U.S.C. 46) to conduct the studies required to prepare the report required by subsection (a).

(d) PUBLICATION.—The Federal Trade Commission shall publish an unclassified summary of the report required by subsection (a) on a publicly available internet website of the Commission.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 1923. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, between lines 19 and 20, insert the following:

''(5) PUBLIC TRANSPARENCY.—

''(A) IN GENERAL.—The Secretary shall create and maintain a fully searchable database, accessible via the internet at no cost to the public, that contains the following:

''(i) The name of each entity receiving a strategy development grant or cooperative agreement under subsection (e), a strategy implementation grant or cooperative agreement under subsection (f), or any other funds under this section.

''(ii) The purpose for which such entity is receiving such grant, cooperative agreement, or funds.

''(iii) Each interim or final report submitted by the entity to the Secretary under this section.

''(iv) Such other information as the Secretary determines sufficient to allow the public to understand and monitor grants or cooperative agreements awarded under the program required by subsection (b)(1).

''(B) USE OF FUNDS.—The Secretary may use amounts appropriated pursuant to subsection (k) to carry out this paragraph.

SA 1924. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 7 and 8, insert the following:

(5) CONDITIONS OF RECEIPT.—

(A) REQUIRED AGREEMENT.—A covered entity to which the Secretary of Commerce awards Federal financial assistance under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) or paragraph (3) of this subsection with amounts appropriated under this subsection shall enter into an agreement that specifies that, during the 5-year period immediately following the award of the Federal financial assistance—

(i) the covered entity will not—

(I) repurchase an equity security that is listed on a national securities exchange of the covered entity or any parent company of the covered entity, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this Act;

(II) outsource or offshore jobs to a location outside of the United States;

(III) pay any officer or employee a salary in an amount that is greater than 50 times the median salary of employees during the period lasting one year after the end of the calendar quarter in which the Federal financial assistance is awarded;

(IV) abrogate existing collective bargaining agreements;

(V) consider any individual performing a service for the covered entity as an independent contractor, unless—

(aa) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of service and in fact;

(bb) the service is performed outside the usual course of the business of the covered entity; and

(cc) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed; or

(VI) outsource labor for the covered entity to an independent contractor; and

(ii) the covered entity will—

(I) require any contractor or subcontractor for any construction project funded by the Federal financial assistance to enter into a pre-hire collective bargaining agreement or a project labor agreement; and

(II) remain neutral in any union organizing effort.

(B) FINANCIAL PROTECTION OF GOVERNMENT.—

(i) IN GENERAL.—The Secretary of Commerce may not award Federal financial assistance to a covered entity under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) or paragraph (3) of this subsection with amounts appropriated under this subsection, unless—

(I)(aa) the covered entity has issued securities that are traded on a national securities exchange; and

(bb) the Secretary of the Treasury receives a warrant or equity interest in the covered entity; or

(II) in the case of any covered entity other than a covered entity described in subclause (I), the Secretary of the Treasury receives, in the discretion of the Secretary of the Treasury—

(aa) a warrant or equity interest in the covered entity; or

(bb) a senior debt instrument issued by the covered entity.

(ii) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under clause (i) shall be set by the Secretary of Commerce and shall meet the following requirements:

(I) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary of Commerce, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(II) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary of Commerce may sell, exercise, or surrender a warrant or any senior debt instrument received under this subparagraph. The Secretary of Commerce shall not exercise voting power with respect to any shares of common stock acquired under this subparagraph.

(III) SUFFICIENCY.—If the Secretary of Commerce determines that a covered entity cannot feasibly issue warrants or other equity interests as required by this subparagraph, the Secretary of Commerce may accept a senior debt instrument in an amount and on such terms as the Secretary of Commerce deems appropriate.

(C) DEFINITIONS.—In this paragraph:

(i) COVERED PROJECT LABOR AGREEMENT.—The term ''covered project labor agreement'' means a project labor agreement that—

(I) binds all contractors and subcontractors on a construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;

(II) allows all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise a party to a collective bargaining agreement;

(III) contains guarantees against strikes, lockouts, and other similar job disruptions;

(IV) sets forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the covered project labor agreement; and

(V) provides other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health.

(ii) PROJECT LABOR AGREEMENT.—The term ''project labor agreement'' means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is described in section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).

SA 1925. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 499, strike line 20 and all that follows through page 501, line 11.

SA 1926. Mr. RISCH (for himself, Mr. CRAPO, Ms. ROSEN, Mrs. CAPITO, and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (a), by adding at the end the following:

''(11) UNDERPERFORMING STATE.—The term 'underperforming State' means a State participating in the SBIR or STTR program that has been calculated by the Administrator to be one of 26 States receiving the fewest SBIR and STTR first phase awards (as described in paragraphs (4) and (6), respectively, of section 9(e)).'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (iii), by striking ''and'' at the end;

(II) in clause (iv), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(v) to prioritize applicants located in an underperforming State.'';

(B) in paragraph (2)(B)(vi)—

(i) in subclause (II), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(IV) located in an underperforming State; and'';

(C) in paragraph (3), by striking ''Not more than one proposal'' and inserting ''There is no limit on the number of proposals that''; and

(D) by adding at the end the following:

''(6) ADDITIONAL ASSISTANCE FOR UNDERPERFORMING STATES.—Upon application by a recipient that is located in an underperforming State, the Administrator may—

''(A) provide additional assistance to the recipient; and

''(B) waive the matching requirements under subsection (e)(2).

''(7) LIMITATION ON AWARDS.—The Administrator may only make 1 award or enter into 1 cooperative agreement per State in a fiscal year.'';

(3) in subsection (e)—

(A) in paragraph (2)—

(i) to by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 25 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in an underperforming State, as calculated using the data from the previous fiscal year; and

''(ii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) that is receiving SBIR and STTR first phase awards, as described in paragraphs (4) and (6), respectively, of section 9(e).'';

(ii) in subparagraph (D), by striking '', beginning with fiscal year 2001'' and inserting ''and make publicly available on the website of the Administration, beginning with fiscal year 2022''; and

(iii) by adding at the end the following:

''(E) PAYMENT.—The non-Federal share of the cost of an activity carried out by a recipient may be paid by the recipient over the course of the period of the award or cooperative agreement.''; and

(B) by adding at the end the following:

''(4) AMOUNT OF AWARD.—In carrying out the FAST program under this section—

''(A) the Administrator shall make and enter into awards or cooperative agreements;

''(B) each award or cooperative agreement described in subparagraph (A) shall be for not more than $500,000, which shall be provided over 2 fiscal years; and

''(C) any amounts left unused in the third quarter of the second fiscal year may be retained by the Administrator for future FAST program awards.

''(5) REPORTING.—Not later than 6 months after receiving an award or entering into a cooperative agreement under this section, a recipient shall report to the Administrator—

''(A) the number of awards made under the SBIR or STTR program;

''(B) the number of applications submitted for the SBIR or STTR program;

''(C) the number of consulting hours spent;

''(D) the number of training events conducted; and

''(E) any issues encountered in the management and application of the FAST program.'';

(4) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Small Business Innovation Research Program Reauthorization Act of 2000'' and inserting ''United States Innovation and Competition Act''; and

(II) by inserting ''and Entrepreneurship'' before ''of the Senate'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) a description of the process used to ensure that underperforming States are given priority application status under the FAST program.''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(ii) in the matter preceding subparagraph (A), by striking ''annual'' and inserting ''biennial'';

(iii) in subparagraph (B), by striking ''and'' at the end;

(iv) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(D) the proportion of awards provided to and cooperative agreements entered into with underperforming States; and

''(E) a list of the States that were determined by the Administrator to be underperforming States, and a description of any changes in the list compared to previously submitted reports.''; and

(5) in subsection (g)(2)—

(A) by striking ''2004'' and inserting ''2022''; and

(B) by inserting ''and Entrepreneurship'' before ''of the Senate''.

SA 1927. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV of division D, add the following:

SEC. 4463. REPORT ON DOMESTIC PROCESSING OF RARE EARTHS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate committees of Congress a report on the authority and funding required to create long-term contracts for domestic processing of heavy rare earths sufficient to achieve

supply chain independence for the United States Armed Forces and key allies and partners of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the annual demand for processed heavy rare earths for the United States Armed Forces and key allies and partners of the United States.

(2) An outline of the necessary processed heavy rare earths value chain required to support the needs of the Department of Defense.

(3) An assessment of gaps in the outline described in paragraph (2) indicating where sufficient domestic capacity already exists and where such capacity does not exist.

(4) An identification of any Federal funds, including any funds made available under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.), currently being deployed to support creation of domestic capacity to address those gaps.

(5) An estimate of the additional capital investment required to build and operate capacity to address those gaps.

(6) An estimate of the annual funding necessary for the Department of Defense to procure domestically processed heavy rare earths sufficient to meet its annual needs, including consideration of increased investments from private sector capital.

(7) An estimate of the cost difference between the Department of Defense sourcing rare earths processed in the United States and sourcing rare earths on the open market.

(8) An identification of how the Department of Defense would direct its weapon suppliers to use the domestically processed heavy rare earths.

(9) An assessment of what changes, if any, to authorities under title III of the Defense Production Act of 1950 are necessary to enter into a long-term offtake agreement to contract for domestically processed rare earths.

(10) An assessment of the length of potential contracts necessary for preventing the collapse of domestic processing of rare earths in the case of price fluctuations from increases in the People's Republic of China's export quota.

(11) Recommendations for international cooperation with allies to jointly reduce dependence on rare earths processed in the People's Republic of China.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified form but shall include an unclassified summary.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Natural Resources, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

SA 1928. Mr. ROMNEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle A of title II of division C, insert after section 3217 the following:

SEC. 3218. REPORT AND SANCTIONS WITH RESPECT TO EFFORTS BY GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO CENSOR INFORMATION REGARDING THE PANDEMIC CAUSED BY SARS–COV–2.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of State, the Secretary of Health and Human Services, and the heads of such other Federal agencies as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on actions taken by the Government of the People's Republic of China to censor information regarding the pandemic caused by the SARS–CoV–2 virus.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A review of the response, including any arbitrary detentions, forced disappearances, other retaliation, or suppression of freedom of expression, of the Government of the People's Republic of China to individuals who provided or attempted to provide accurate epidemiological information related to SARS–CoV–2 or warn of the potential seriousness or impact of SARS–CoV–2, including Li Wenliang and other doctors, journalists, other citizens of the People's Republic of China, and other relevant persons.

(B) An identification of keywords banned by the internet firewall system of the Government of the People's Republic of China (known as the ''Great Firewall'') during the quarantine in Wuhan or thereafter relevant to the pandemic caused by SARS–CoV–2.

(C) Any other elements that the Secretary considers relevant.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(4) PUBLIC AVAILABILITY.—The Director shall make available to the public the unclassified portion of the report submitted under paragraph (1).

(b) LIST OF GOVERNMENT OFFICIALS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, the Secretary of the Treasury, the Secretary of Health and Human Services, and the heads of such other Federal agencies as the Secretary of State considers appropriate, shall submit to the appropriate committees of Congress a list identifying officials of the Government of the People's Republic of China responsible for any of the following actions with respect to individuals who provided or attempted to provide accurate epidemiological information related to SARS–CoV–2 or warn of the potential seriousness or impact of SARS–CoV–2:

(1) Arbitrary detention.

(2) Forced disappearance.

(3) Other retaliation.

(4) Suppression of freedom of expression.

(c) IMPOSITION OF SANCTIONS.—The President shall impose the following sanctions with respect to each person on the list required by subsection (b):

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—In the case of a person that is an alien, the alien is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subparagraph (A) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (c)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under subsection (c) with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to the appropriate committees of Congress a notification of the waiver and the reasons for the waiver.

(f) EXCEPTIONS.—

(1) INTELLIGENCE ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to any authorized law enforcement activities of the United States.

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Subsection (c)(2)(B) shall not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection

and test equipment, and excluding technical data.

(g) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'', ''admitted'', and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 1929. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REGULATORY OVERSIGHT AND REVIEW TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the ''Regulatory Oversight and Review Task Force'' (referred to in this section as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of—

(A) the Director of the Office of Management and Budget, who shall serve as the Chairperson of the Task Force;

(B) 1 representative of the Office of Information and Regulatory Affairs; and

(C) 10 individuals from the private sector, who shall be appointed by the President.

(2) QUALIFICATIONS OF PRIVATE SECTOR MEMBERS.—

(A) EXPERTISE.—Each member of the Task Force appointed under paragraph (1)(C) shall be an individual with expertise in a key technology focus area, as defined in section 2002.

(B) SMALL BUSINESS CONCERNS.—Not fewer than 5 of the members of the Task Force appointed under paragraph (1)(C) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(C) POLITICAL AFFILIATION.—Not more than 5 of the members of the Task Force appointed under paragraph (1)(C) may be affiliated with the same political party.

(3) APPOINTMENT.—Not later than 30 days after the date of enactment of this Act, the President shall appoint each member of the Task Force under paragraph (1)(C).

(c) CONSULTATION WITH GAO.—In carrying out its functions under this section, the Task Force shall consult with the Government Accountability Office.

(d) NO COMPENSATION.—A member of the Task Force may not receive any compensation for serving on the Task Force.

(e) EVALUATION OF REGULATIONS.—The Task Force shall evaluate, and provide recommendations for modification, consolidation, harmonization, or repeal of, Federal regulations that—

(1) exclude or otherwise inhibit competition, causing industries of the United States to be less competitive with global competitors;

(2) create barriers to entry for United States businesses, including entrepreneurs and startups;

(3) increase the operating costs for domestic manufacturing;

(4) impose substantial compliance costs and other burdens on industries of the United States, making those industries less competitive with global competitors;

(5) impose burdensome and lengthy permitting processes and requirements;

(6) impact energy production by United States businesses and make the United States dependent on foreign countries for energy supply;

(7) restrict domestic mining, including the mining of critical minerals; or

(8) inhibit capital formation in the economy of the United States.

(f) WEBSITE.—The Task Force shall establish and maintain a user-friendly, public-facing website to be—

(1) a portal for the submission of written comments under subsection (h); and

(2) a gateway for reports and key information.

(g) DUTY OF FEDERAL AGENCIES.—Upon request of the Task Force, a Federal agency shall provide applicable documents and information to help the Task Force carry out its functions under this section.

(h) WRITTEN RECOMMENDATIONS.—

(1) IN GENERAL.— Not later than 15 days after the first meeting of the Task Force, the Task Force shall initiate a process to solicit and collect written recommendations regarding regulations described in subsection (e) from the general public, interested parties, Federal agencies, and other relevant entities.

(2) MANNER OF SUBMISSION.—The Task Force shall allow written recommendations under paragraph (1) to be submitted through—

(A) the website of the Task Force;

(B) regulations.gov;

(C) the mail; or

(D) other appropriate written means.

(3) PUBLICATION.—The Task Force shall publish each recommendation submitted under paragraph (1)—

(A) in the Federal Register;

(B) on the website of the Task Force; and

(C) on regulations.gov.

(4) PUBLIC OUTREACH.—In addition to soliciting and collecting written recommendations under paragraph (1), the Task Force shall conduct public outreach and convene focus groups throughout the United States to solicit feedback and public comments regarding regulations described in subsection (e).

(5) REVIEW AND CONSIDERATION.—The Task Force shall review the information received under paragraphs (1) and (4) and consider including that information in the reports and special message required under subsections (i) and (j), respectively.

(i) REPORTS.—

(1) IN GENERAL.—The Task Force shall submit quarterly and annual reports to Congress on the findings of the Task Force under this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall—

(A) analyze the Federal regulations identified in accordance with subsection (e); and

(B) provide recommendations for modifications, consolidation, harmonization, and repeal of the regulations described in subparagraph (A) of this paragraph.

(j) SPECIAL MESSAGE TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term ''covered resolution'' means a joint resolution—

(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the regulations that were recommended for repeal in a special message submitted to Congress under paragraph (2); and

(ii) a provision that immediately repeals the listed regulations upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first period of 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than the first day on which both Houses of Congress are in session after May 1 of each year, the Director of the Office of Management and Budget shall submit to Congress, on behalf of the Task Force, a special message that—

(i) details each regulation that the Task Force recommends for repeal; and

(ii) explains why each regulation should be repealed.

(B) DELIVERY TO HOUSE AND SENATE; PRINTING.—Each special message submitted under subparagraph (A) shall be—

(i) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(ii) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—

(A) REFERRAL.—A covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution.

(ii) PRIVILEGE.—A motion described in clause (i) shall be highly privileged and not debatable.

(iii) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to a motion described in clause (i) shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—

(i) IN GENERAL.—Debate in the House of Representatives on a covered resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) NO MOTION TO RECONSIDER.—It shall not be in order in the House of Representatives to move to reconsider the vote by which a covered resolution is agreed to or disagreed to.

(C) NO MOTION TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS.—In the House of Representatives, motions to postpone, made with respect to the consideration of a covered resolution, and motions to proceed to the consideration of other business, shall not be in order.

(D) APPEALS FROM DECISIONS OF CHAIR.—An appeal from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a covered resolution shall be decided without debate.

(5) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee of the Senate to which a covered resolution is referred has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—

(i) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(ii) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(i) a regulation recommended for repeal by the Task Force.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, and points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the covered resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Paragraphs (3) through (7) are enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in the case of covered resolutions, and supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 1930. Mr. MANCHIN (for himself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

TITLE IV—INTERNATIONAL NUCLEAR ENERGY

SEC. 6401. DEFINITIONS.

In this title:

(1) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) ALLY OR PARTNER NATION.—The term ''ally or partner nation'' means the Government of each of the following:

(A) A country that is a member of the North Atlantic Treaty Organization.

(B) Japan.

(C) The Republic of Korea.

(D) Australia.

(E) Switzerland.

(F) Sweden.

(G) Finland.

(H) Any other country designated as an ally or partner nation by the Secretary of State for purposes of this title.

(3) ASSOCIATED ENTITY.—The term ''associated entity'' means an entity that—

(A) is owned, controlled, or dominated by—

(i) an ally or partner nation; or

(ii) an associated individual; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, a country described in any of subparagraphs (A) through (H) of paragraph (2), including a corporation that is incorporated in a country described in any of those subparagraphs.

(4) ASSOCIATED INDIVIDUAL.—The term ''associated individual'' means an alien who is a national of a country described in any of subparagraphs (A) through (H) of paragraph (2).

(5) NEWCOMER NUCLEAR NATION.—The term ''newcomer nuclear nation'' means a country that—

(A) does not have a civil nuclear program;

(B) is in the process of developing a civil nuclear program, including safeguards and a legal and regulatory framework, for—

(i) nuclear safety;

(ii) nuclear security;

(iii) radioactive waste management; and

(iv) nuclear energy; or

(C) is in the process of selecting, developing, constructing, or utilizing advanced nuclear reactors or advanced nuclear technologies.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) SPECIAL ASSISTANT.—The term ''Special Assistant'' means the Special Assistant to the President and Director for Nuclear Energy Policy described in section 6402(a)(3)(A).

(8) TEAM USA.—The term ''Team USA'' means the interagency initiative to identify opportunities in emerging economies or newcomer nuclear nations for topics such as—

(A) nuclear plant construction;

(B) nuclear fuel services;

(C) nuclear energy financing;

(D) nuclear plant operations;

(E) nuclear plant regulation;

(F) nuclear medicine;

(G) infrastructure support for nuclear energy; and

(H) nuclear plant decommissioning.

(9) US NUCLEAR ENERGY COMPANY.—The term ''US nuclear energy company'' means a nuclear energy company organized under the laws of, or otherwise subject to the jurisdiction of, the United States.

SEC. 6402. CIVIL NUCLEAR COORDINATION AND STRATEGY.

(a) OFFICE OF THE SPECIAL ASSISTANT TO THE PRESIDENT AND DIRECTOR FOR NUCLEAR ENERGY POLICY.—

(1) ESTABLISHMENT.—There is established in the Executive Office of the President an office, to be known as the ''Office of the Special Assistant to the President and Director for Nuclear Energy Policy'' (referred to in this subsection as the ''Office'').

(2) MISSION.—The Office shall act as the single coordinating office for—

(A) civil nuclear cooperation; and

(B) civil nuclear export strategy.

(3) LEADERSHIP.—

(A) SPECIAL ASSISTANT.—

(i) IN GENERAL.—The Office shall be headed by the Special Assistant to the President and Director for Nuclear Energy Policy, who shall be appointed by the President.

(ii) REPORTING.—The Special Assistant shall report directly to the President.

(iii) DUTIES.—The Special Assistant shall—

(I) coordinate civil nuclear exports from the United States;

(II) develop a cohesive Federal strategy for engagement with foreign governments (including ally or partner nations and newcomer nuclear nations), associated entities, associated individuals, and international lending institutions with respect to civil nuclear exports; and

(III) develop—

(aa) a whole-of-government coordinating strategy for civil nuclear cooperation;

(bb) a whole-of-government strategy for civil nuclear exports; and

(cc) a whole-of-government approach to support foreign investment in domestic construction projects.

(B) DEPUTY SPECIAL ASSISTANT.—The Special Assistant shall appoint a Deputy Special Assistant with experience in advising on civil nuclear project development and financing.

(4) STAFF.—

(A) SENIOR ADVISORS.—

(i) IN GENERAL.—The Special Assistant shall select a staff of not fewer than 4, and not more than 6, Senior Advisors to assist in the mission of the Office.

(ii) REQUIREMENT.—The Senior Advisors selected under clause (i) shall be composed of individuals with diverse industry and government backgrounds, including individuals with backgrounds in—

(I) project financing;

(II) construction development;

(III) contract structuring and risk allocation;

(IV) regulatory and licensing processes;

(V) civil nuclear electric and nonelectric applications of nuclear technologies; and

(VI) government-to-government negotiations.

(B) OTHER STAFF.—The Special Assistant may hire such other additional personnel as may be necessary to carry out the mission of the Office.

(b) NUCLEAR EXPORTS WORKING GROUP.—

(1) ESTABLISHMENT.—There is established a working group, to be known as the ''Nuclear Exports Working Group'' (referred to in this subsection as the ''working group'').

(2) COMPOSITION.—The working group shall be composed of—

(A) senior-level Federal officials, selected internally by the applicable Federal agency or organization, from—

(i) the Department of State;

(ii) the Department of Commerce;

(iii) the Department of Energy;

(iv) the Department of the Treasury;

(v) the Export-Import Bank of the United States;

(vi) the United States International Development Finance Corporation; and

(vii) the Nuclear Regulatory Commission;

(B) other senior-level Federal officials, selected internally by the applicable Federal agency or organization, from any other Federal agency or organization that the Secretary determines to be appropriate; and

(C) any senior-level Federal official selected by the Special Assistant from any Federal agency or organization.

(3) REPORTING.—The working group shall report to the Special Assistant.

(4) DUTIES.—The working group shall—

(A) provide direction and advice to the Special Assistant; and

(B) submit to the Civil Nuclear Trade Advisory Committee and the Nuclear Energy Advisory Committee of the Department of Energy quarterly reports on the standing of civil nuclear exports from the United States, including with respect to meeting the targets established as part of the 5-year civil nuclear trade strategy described in paragraph (5)(A).

(5) STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the working group shall establish a 5-year civil nuclear trade strategy, including targets for the export of civil nuclear technologies and materials that align with meeting international energy demand while seeking to avoid or reduce emissions.

(B) COLLABORATION REQUIRED.—In establishing the strategy under subparagraph (A), the working group shall collaborate with—

(i) the Secretary;

(ii) the Secretary of Commerce;

(iii) the Secretary of State;

(iv) the Secretary of the Treasury;

(v) the Nuclear Regulatory Commission;

(vi) the President of the Export-Import Bank of the United States;

(vii) representatives of the Infrastructure Development and Finance Corporation;

(viii) representatives of private industry; and

(ix) representatives of ally or partner nations and newcomer nuclear nations.

SEC. 6403. ENGAGEMENT WITH ALLY OR PARTNER NATIONS.

(a) IN GENERAL.—The Nuclear Regulatory Commission, in coordination with the Secretary of State, Team USA, and the Special Assistant, shall launch an international initiative to modernize the civil nuclear outreach carried out by the United States for the purpose of establishing cooperative financing relationships for the export of civil nuclear technology to countries in the coalition described in subsection (b).

(b) COALITION DESCRIBED.—The coalition referred to in subsection (a) is a coalition of countries that—

(1) is developed for purposes of carrying out the initiative described in subsection (a); and

(2) includes each ally or partner nation that is willing to participate in the coalition.

(c) ACTIVITIES.—In carrying out the initiative described in subsection (a), the Nuclear Regulatory Commission shall—

(1) provide funding to the International Atomic Energy Agency to provide education and training to foreign governments in nuclear safety, security, and safeguards;

(2) assist the efforts of the International Atomic Energy Agency to expand the support provided by the International Atomic Energy Agency to newcomer nuclear nations for nuclear safety, security, and safeguards;

(3) expand outreach by the Special Assistant to the private investment community to create public-private financing relationships to assist in the export of civil nuclear technology to countries in the coalition described in subsection (b);

(4) seek to harmonize, to the maximum extent practicable, the work carried out by the Nuclear Regulatory Commission, the work carried out by the International Atomic Energy Agency, and the work carried out by the nuclear regulatory agencies and organizations of newcomer nuclear nations and ally or partner nations; and

(5) support the establishment of new regulatory measures and a new regulatory framework for the expeditious exporting and importing of civil nuclear technologies and materials.

SEC. 6404. COOPERATIVE FINANCING RELATIONSHIPS WITH ALLY OR PARTNER NATIONS.

The Secretary of State and the Secretary of Commerce, in coordination with the Special Assistant, shall develop cooperative financing relationships with ally or partner nations or newcomer nuclear nations to advance civil nuclear exports.

SEC. 6405. EXPORT CONTROLS.

(a) FAST-TRACK PROCEDURES.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall promulgate a regulation revising part 810 of title 10, Code of Federal Regulations, to establish fast-track procedures, which may be similar to existing fast-track procedures in existing Federal export-control regulations—

(A) for deemed exports to—

(i) a list of countries defined by the Secretary; or

(ii) destinations based on country criteria defined by the Secretary;

(B) for widely deployed technologies available from multiple suppliers, such as light water reactor technology; or

(C) to provide subsequent specific authorizations for a subset of the activities described in section 810.2 of that title with respect to a country after the first specific authorization with respect to that country is approved by the Secretary.

(2) SUBSEQUENT AUTHORIZATIONS.—Fast-track procedures to provide subsequent specific authorizations as described in paragraph (1)(C) may be for—

(A) types of activities that are commensurate with the types of activities covered by the applicable first specific authorization described in that paragraph; or

(B) a broader set of activities than the activities covered by the applicable first specific authorization.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on—

(A) the processing times for applications for specific authorization submitted to the Secretary for activities described in section 810.7 of title 10, Code of Federal Regulations, for the 2-year period ending on that date of enactment; and

(B) the average time taken for each step in the processing of those applications.

(2) REQUIREMENTS.—

(A) AUTHORIZATION CATEGORIES.—The report under paragraph (1) shall contain a breakdown of the information described in that paragraph by the following categories of specific authorizations:

(i) Deemed exports.

(ii) Enrichment and reprocessing transfers (also referred to as ''ENR'').

(iii) All other exports.

(B) DATES.—The report under paragraph (1) shall include, with respect to each application covered by the report, the amount of time taken for each step in the processing of the application.

(C) ANALYSIS OF OTHER COUNTRIES.—The report under paragraph (1) shall provide an analysis of the application-processing times of other countries with respect to the same or similar categories of authorizations described in subparagraph (A), including the processing times of—

(i) the Governments of—

(I) Russia;

(II) China; and

(III) India; and

(ii) each ally or partner nation.

(D) PROCESSING.—The report under subparagraph (A) shall provide details with respect to how the Department of Energy is handling the processing of applications for a specific authorization submitted to the Secretary under section 810.9 of title 10, Code of Federal Regulations (or successor regulations), in light of the August 13, 2018, amendment to section 161 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(n)) made by section 3116(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2291), including whether any changes in the delegation of functions by the Secretary have been formalized within the Department of Energy.

SEC. 6406. COOPERATION WITH ALLY OR PARTNER NATIONS ON ADVANCED NUCLEAR REACTOR DEMONSTRATION AND THE VERSATILE TEST REACTOR.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of State, the Secretary of Commerce, and the Special Assistant, shall conduct bilateral and multilateral meetings with not fewer than 5 ally or partner nations, with the aim of enhancing nuclear energy cooperation among those ally or partner nations and the United States, for the purpose of developing collaborative relationships with respect to research, development, and deployment of advanced nuclear reactor technologies.

(b) REQUIREMENT.—The meetings described in subsection (a) shall include—

(1) a focus on cooperation to demonstrate and deploy advanced nuclear reactors during the 10-year period beginning on the date of enactment of this Act to provide options for addressing climate change by 2050; and

(2) a focus on developing a memorandum of understanding or any other appropriate agreement between the United States and ally or partner nations with respect to—

(A) the demonstration and deployment of advanced nuclear reactors; and

(B) the Versatile Test Reactor.

(c) FINANCING ARRANGEMENTS.—In conducting the meetings described in subsection (a), the Secretary, in coordination with the Secretary of State, the Secretary of Commerce, and the Special Assistant, shall seek to develop financing arrangements to share the costs of the demonstration and deployment of advanced nuclear reactors and the Versatile Test Reactor with the ally or partner nations participating in those meetings.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of State, and the Secretary of Commerce shall jointly submit to Congress a report highlighting potential partners—

(1) for the establishment of cost-share arrangements described in subsection (c); or

(2) with which the United States may enter into agreements with respect to—

(A) the demonstration of advanced nuclear reactors; or

(B) the Versatile Test Reactor.

SEC. 6407. INTERNATIONAL NUCLEAR ENERGY COOPERATION.

Section 959B of the Energy Policy Act of 2005 (42 U.S.C. 16279b) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(2) in subsection (a) (as so designated)—

(A) in paragraph (1)—

(i) by striking ''financing,''; and

(ii) by striking ''and'' after the semicolon at the end;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''preparations for''; and

(ii) in subparagraph (C)(v), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to support, in consultation with the Secretary of State, the safe, secure, and peaceful use of nuclear technology in countries developing nuclear energy programs, with a focus on countries that have increased civil nuclear cooperation with Russia or China.''; and

(3) by adding at the end the following:

''(b) REQUIREMENTS.—The program under subsection (a) shall—

''(1) with respect to the function described in subsection (a)(3), be modeled after the International Military Education and Training program of the Department of State; and

''(2) be carried out—

''(A) to facilitate, to the maximum extent practicable, workshops and expert-based exchanges to engage industry, stakeholders, and foreign governments with respect to international civil nuclear issues, such as—

''(i) training;

''(ii) financing;

''(iii) safety;

''(iv) security;

''(v) safeguards;

''(vi) operations; and

''(vii) options for multinational cooperation with respect to the disposal of spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)); and

''(B) in coordination with—

''(i) the National Security Council;

''(ii) the Secretary of State;

''(iii) the Secretary of Commerce; and

''(iv) the Nuclear Regulatory Commission.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a)(3) $15,500,000 for each of fiscal years 2022 through 2026.''.

SEC. 6408. INTERNATIONAL CIVIL NUCLEAR PROGRAM SUPPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Special Assistant shall launch an international initiative (referred to in this section as the ''initiative'') to provide grants, in accordance with this section—

(1) to newcomer nuclear nations for activities relating to the development of civil nuclear programs; and

(2) to countries that are not newcomer nuclear nations for the construction of nuclear reactors and advanced nuclear reactors.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out the initiative, the Special Assistant may award not more than 1 grant to each country, including each newcomer nuclear nation, each fiscal year.

(2) AMOUNT.—The amount of a grant awarded under the initiative shall be not more than $1,000,000.

(3) LIMITATIONS.—

(A) IN GENERAL.—The Special Assistant may award not more than 5 grants under the initiative to a single country, including each newcomer nuclear nation.

(B) PURPOSE OF CERTAIN GRANTS.—The Special Assistant may award a grant under the initiative to a country that is not a newcomer nuclear nation if the grant is made for the purpose of constructing a nuclear reactor or an advanced nuclear reactor in that country.

(c) SENIOR ADVISORS.—

(1) IN GENERAL.—In carrying out the initiative, the Special Assistant shall provide a grant to a newcomer nuclear nation only if the newcomer nuclear nation is interested in partnering with, and agrees to partner with, a US nuclear energy company to hire 1 or more qualified senior advisors to assist the newcomer nuclear nation in establishing a civil nuclear program.

(2) REQUIREMENT.—A senior advisor described in paragraph (1) shall seek to advise the newcomer nuclear nation on, and facilitate on behalf of the newcomer nuclear nation, 1 or more of the following:

(A) The development of financing relationships.

(B) The development of a standardized financing and project management framework for the construction of nuclear power plants.

(C) The development of a standardized licensing framework for light water and nonlight water civil nuclear technologies.

(D) The identification of qualified organizations and service providers.

(E) The identification of funds to support payment for services required to develop a civil nuclear program.

(F) Market analysis.

(G) The identification of the safety, security, safeguards, and nuclear governance required for a civil nuclear program.

(H) Risk allocation and risk management.

(I) Technical assessments of nuclear reactors and technologies.

(J) Any other major activities to support the establishment of a civil nuclear program, such as the establishment of export, financing, construction, training, operations, and education requirements.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the initiative $20,000,000 for each of fiscal years 2022 through 2026.

SEC. 6409. BIENNIAL NUCLEAR SAFETY, SECURITY, AND SAFEGUARDS SUMMIT.

(a) IN GENERAL.—The Secretary, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Nuclear Regulatory Commission, and the Special Assistant shall hold a biennial nuclear safety, security, and safeguards summit (referred to in this section as a ''summit'').

(b) LOCATION.—Each summit shall be held in—

(1) Washington, DC; or

(2) a country described in any of subparagraphs (A) through (H) of section 6401(2).

(c) REQUIREMENT.—Each summit shall—

(1) be a forum in which leaders of ally or partner nations may engage with each other for the purpose of reinforcing the commitment to nuclear safety, security, and safeguards; and

(2) facilitate the development of—

(A) joint commitments and goals to improve nuclear material safety, security, and safeguards; and

(B) stronger international institutions that support nuclear safety, security, and safeguards.

(d) INPUT FROM INDUSTRY.—Each summit shall include a meeting that convenes nuclear industry leaders to discuss best practices relating to—

(1) the safe and secure use, storage, and transport of nuclear and radiological materials;

(2) managing the evolving cyber threat to nuclear and radiological security; and

(3) the role that the nuclear industry should play in nuclear and radiological safety, security, and safeguards, including with respect to the safe and secure use, storage, and transport of nuclear and radiological materials.

(e) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and 120 days after the end of each summit, the Secretary, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Nuclear Regulatory Commission, and the Special Assistant shall jointly submit to Congress a report highlighting—

(A) any commitments made by the United States or international partners of the United States, including an ally or partner nation, with respect to nuclear safety, security, or safeguards; and

(B) the objectives that the parties to those commitments agreed to meet.

(2) REQUIREMENT.—The report under paragraph (1) shall detail—

(A) any current and continuing nuclear security threat;

(B) any progress made toward advancing nuclear security-related treaties;

(C) any steps taken or needed to be taken—

(i) to fulfill any obligations of the United States under existing nuclear security treaties;

(ii) to manage cyber threats; or

(iii) to prevent illicit trafficking of nuclear materials and technology;

(D) the role of the nuclear industry in preventing nuclear proliferation; and

(E) any other topics discussed during the summit that relate to nuclear safety, security, and safeguards.

SEC. 6410. BIENNIAL CIVIL NUCLEAR VENDOR SUMMIT.

(a) IN GENERAL.—The Secretary, the Secretary of State, the Secretary of Commerce, the President of the Export-Import Bank of the United States, the Chief Executive Officer of the United States International Development Finance Corporation, and the Special Assistant shall hold a biennial civil nuclear vendor summit.

(b) LOCATION.—A civil nuclear vendor summit under subsection (a) shall be held in—

(1) Washington, DC; or

(2) a country described in any of subparagraphs (A) through (H) of section 6401(2).

(c) REQUIREMENT.—A civil nuclear vendor summit under subsection (a) shall—

(1) be a forum in which leaders of ally or partner nations may engage with each other for the purpose of promoting the peaceful, responsible, and safe use of civil nuclear technologies; and

(2) facilitate—

(A) the development of—

(i) cooperative financing relationships to promote competitive alternatives to Chinese and Russian financing;

(ii) a standardized financing and project management framework for the construction of nuclear power plants;

(iii) a standardized licensing framework for civil nuclear technologies;

(iv) a strategy to change internal policies of multinational development banks, such as the World Bank, to support the financing of civil nuclear projects; and

(v) a document containing any lessons learned from countries that have partnered with Russia or China with respect to nuclear power, including any detrimental outcomes resulting from that partnership;

(B) cooperation for enhancing the overall aspects of civil nuclear power, such as—

(i) nuclear safety and security;
(ii) nuclear regulations;
(iii) waste management;
(iv) quality management systems;
(v) technology transfer;
(vi) human resources development;
(vii) localization;
(viii) reactor operations; and
(ix) decommissioning;

(C) the establishment of a ''Small Modular and Advanced Reactor Coordination and Resource Center'' (referred to in this paragraph as the ''Center'') for the purposes of—

(i) identifying qualified organizations and service providers—

(I) for newcomer nuclear nations;

(II) to develop and assemble documents, contracts, and related items required to establish a civil nuclear program; and

(III) to develop a standardized model for the establishment of a civil nuclear program that can be used internationally;

(ii) coordinating with countries participating in the Center—

(I) to identify funds to support payment for services required to develop a civil nuclear program;

(II) to provide market analysis; and

(III) to create—

(aa) project structure models;

(bb) models for electricity market analysis;

(cc) models for nonelectric applications market analysis; and

(dd) financial models;

(iii) identifying and developing the safety, security, safeguards, and nuclear governance required for a civil nuclear program;

(iv) supporting multinational regulatory standards to be developed by countries with civil nuclear programs and experience;

(v) developing and strengthening communications, engagement, and consensus-building;

(vi) carrying out any other major activities to support export, financing, education, construction, training, and education requirements relating to the establishment of a civil nuclear program;

(vii) developing mechanisms for how to fund and staff the Center; and

(viii) determining mechanisms for the selection of the location or locations of the Center; and

(D) the development and determination of the mechanisms described in clauses (vii) and (viii) of subparagraph (C) by the Center.

(d) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and 120 days after the end of each civil nuclear vendor summit under subsection (a), the Secretary, the Secretary of State, the Secretary of Commerce, and the Special Assistant shall jointly submit to Congress a report highlighting—

(A) any commitments made by the United States or international partners of the United States, including an ally or partner nation, with respect to international civil nuclear export practices; and

(B) the objectives that the parties to those commitments agreed to meet.

(2) REQUIREMENT.—The report under paragraph (1) shall detail—

(A) any steps taken to establish common financing relationships;

(B) any progress made toward establishing a standardized financing, project management, and licensing framework;

(C) any changes to the internal policies of multinational development banks, such as the World Bank, to support civil nuclear projects;

(D) any steps taken or needed to be taken—

(i) to rectify any obstacles that were identified after the applicable civil nuclear vendor summit but were unforeseen at the time of, and not discussed at, that summit;

(ii) to enable early-stage day-to-day support of newcomer nuclear nations;

(iii) to address any gaps in the whole-of-government approach to international civil nuclear cooperation, exports, and investment developed by the Special Assistant; or

(iv) to improve the role of the Special Assistant in international outreach; and

(E) the role of the nuclear industry in establishing cooperative relationships.

SEC. 6411. STRATEGIC INFRASTRUCTURE FUND WORKING GROUP.

(a) ESTABLISHMENT.—There is established a working group, to be known as the ''Strategic Infrastructure Fund Working Group'' (referred to in this section as the ''working group'').

(b) COMPOSITION.—The working group shall be—

(1) led by the Special Assistant; and

(2) composed of—

(A) senior-level Federal officials, selected by the head of the applicable Federal agency or organization, from—

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Commerce;

(iv) the Department of Energy;

(v) the Export-Import Bank of the United States;

(vi) the United States International Development Finance Corporation; and

(vii) the Nuclear Regulatory Commission;

(B) other senior-level Federal officials, selected by the head of the applicable Federal agency or organization, from any other Federal agency or organization that the Secretary determines to be appropriate; and

(C) any senior-level Federal official selected by the Special Assistant from any Federal agency or organization.

(c) REPORTING.—The working group shall report to the National Security Council.

(d) DUTIES.—The working group shall—

(1) provide direction and advice to the Special Assistant with respect to the establishment of a Strategic Infrastructure Fund (referred to in this subsection as the ''Fund'') to be used—

(A) to support those aspects of projects relating to—

(i) civil nuclear technologies;

(ii) rare earth elements and critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a))); and

(iii) microprocessors; and

(B) for strategic investments identified by the working group; and

(2) address critical areas in determining the appropriate design for the Fund, including—

(A) transfer of assets to the Fund;

(B) transfer of assets from the Fund;

(C) how assets in the Fund should be invested; and

(D) governance and implementation of the Fund.

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the working group shall submit to the committees described in paragraph (2) a report on the findings of the working group that includes suggested legislative text for how to establish and structure a Strategic Infrastructure Fund.

(2) COMMITTEES DESCRIBED.—The committees referred to in paragraph (1) are—

(A) the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Finance of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Ways and Means of the House of Representatives.

SEC. 6412. INVESTMENT BY ALLIES AND PARTNERS OF THE UNITED STATES.

(a) COMMERCIAL LICENSES.—Section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended, in the second sentence—

(1) by inserting ''for a production facility'' after ''No license''; and

(2) by striking ''any any'' and inserting ''any''.

(b) MEDICAL THERAPY AND RESEARCH DEVELOPMENT LICENSES.—Section 104 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended, in the second sentence, by inserting ''for a production facility'' after ''No license''.

SEC. 6413. MODIFICATION OF POWERS AND FUNCTIONS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) MODIFICATION OF PROHIBITION ON FINANCING.—Section 2(b)(5) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(5)) is amended, in the first sentence, by striking ''any liquid metal fast breeder nuclear reactor or''.

(b) EXPANSION OF PROGRAM ON TRANSFORMATIONAL EXPORTS.—

(1) IN GENERAL.—Section 2(l) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(l)) is amended—

(A) in the subsection heading, by striking ''CHINA AND'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''China and''; and

(II) by striking ''by the People's Republic of China or'';

(ii) in subparagraph (A), by striking ''by the People's Republic of China or''; and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''the People's Republic of China'' and inserting ''covered countries'';

(II) in clause (vi), by striking ''Renewable'' and inserting ''Clean'';

(III) by redesignating clauses (viii) through (xi) as clauses (ix) through (xii), respectively; and

(IV) by inserting after clause (vii) the following:

''(viii) Civil nuclear material and technologies.'';

(C) by striking paragraph (2);

(D) by redesignating paragraph (3) as paragraph (2);

(E) in paragraph (2), as so redesignated—

(i) in subparagraph (A)—

(I) by striking ''20 percent'' and inserting ''30 percent''; and

(II) by striking ''China and'';

(ii) in subparagraph (B), in the matter preceding clause (i)—

(I) by striking ''20 percent'' and inserting ''30 percent''; and

(II) by striking ''the People's Republic of China is'' and inserting ''the People's Republic of China and the Russian Federation are'';

(iii) in subparagraph (C)—

(I) in the subparagraph heading, by striking ''SUNSET AND'';

(II) by striking the first sentence; and

(III) by striking ''4 years after enactment of this subsection'' and inserting ''December 20, 2023'';

(iv) in subparagraph (D), by striking ''China and''; and

(v) by adding at the end the following:

''(E) CONTENT POLICY.—Under the Program on Transformational Exports, the Bank may provide loans, guarantees, or insurance for

up to 100 percent of the value of a transaction if—

''(i) not less than 50 percent of the content of the goods and services exported pursuant to the transaction are of United States origin; and

''(ii) of the goods and services exported pursuant to the transaction that are not of United States origin, not less than 25 percent of the content of such goods and services originates from other members countries of the Organization for Economic Co-operation and Development.

''(F) LOCAL COST POLICY.—If the Bank provides a loan, guarantee, or insurance for the export to a country of United States-origin goods or services under the Program on Transformational Exports, the Bank may also support the extension of loans, guarantees, or insurance for the purchase of goods or services that originate in that country in amount that does not exceed 50 percent of the value of the United States-origin goods and services exported.

''(G) SHIPPING REQUIREMENTS OF FOREIGN-ORIGIN COMPONENTS.—Foreign-origin components included in a transaction for which the Bank provides a loan, guarantee, or insurance under the Program on Transformational Exports are not required—

''(i) to be shipped from the United States; or

''(ii) to be shipped on United States-flagged merchant marine vessels.''; and

(F) by adding at the end the following:

''(3) SUNSET.—The Program on Transformational Exports shall expire on December 31, 2026.

''(4) DEFINITIONS.—In this subsection:

''(A) ARRANGEMENT.—The term 'Arrangement' means the Arrangement on Officially Supported Export Credits of the Organization for Economic Co-operation and Development.

''(B) CLEAN ENERGY, ENERGY EFFICIENCY, AND ENERGY STORAGE.—The term 'clean energy, energy efficiency, and energy storage' includes the following:

''(i) Renewable energy systems.

''(ii) Hydrogen fuel cell technology for residential, industrial, or transportation applications.

''(iii) Zero-emission aircraft.

''(iv) Advanced nuclear energy facilities.

''(v) Carbon capture, utilization, and sequestration practices and technologies.

''(vi) Efficient electrical generation, transmission, and distribution technologies.

''(vii) Pollution control equipment.

''(viii) Energy storage technologies for residential, industrial, and transportation applications.

''(ix) Technologies and systems for reducing more potent greenhouse gas pollutants, including methane leakage from natural gas transmission and distribution infrastructure.

''(x) Manufacturing and deployment of nuclear supply components for advanced nuclear reactors.

''(xi) System-level energy management solutions.

''(xii) Applications of platform technologies, including data analytics, artificial intelligence, and other software to improve the energy efficiency and effectiveness of energy infrastructure, including electric grid operations.

''(xiii) Energy-water use efficiency in water resources infrastructure and water-using technologies.

''(xiv) Carbon-capture ready combined cycle natural gas or carbon-capture ready supercritical or ultra-supercritical coal plants if deemed to be replacing non-supercritical coal plants supplied by a covered country and in accordance with the Arrangement.

''(xv) Battery electric vehicles.

''(xvi) Electric vehicle charging infrastructure.

''(xvii) Innovative technologies for improving the resilience or reliability of existing energy infrastructure, including innovative approaches to improve the cybersecurity of energy technologies.

''(xviii) Innovative technologies for reducing greenhouse emissions from industrial processes, including cement and ammonia production.

''(xix) Any other projects that support innovative energy technologies or provide an input or application for such technologies.

''(C) COVERED COUNTRY.—The term 'covered country' means—

''(i) the People's Republic of China;

''(ii) the Russian Federation; or

''(iii) any country that—

''(I) the Secretary of the Treasury designates as a covered country in a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Development of the Senate;

''(II) is not a participant in the Arrangement; and

''(III) is not in substantial compliance with the financial terms and conditions of the Arrangement.''.

(2) CONFORMING AMENDMENT.—Section 8(l) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(l)) is amended—

(A) in the subsection heading, by striking ''UNDER THE'' and all that follows through ''EXPORTS'' and inserting ''UNDER THE PROGRAM ON TRANSFORMATIONAL EXPORTS''; and

(B) in the text, by striking ''China and''.

(c) PROMOTION OF CLEAN ENERGY, ENERGY EFFICIENCY, AND ENERGY STORAGE.—Section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(K)) is amended to read as follows:

''(K) The Bank shall promote the export of goods and services related to clean energy, energy efficiency, and energy storage (as defined in subsection (l)(4)). It shall be a goal of the Bank—

''(i) to ensure that not less than 30 percent of the applicable amount (as defined in section 6(a)(2)) is made available each fiscal year for the financing of exports of such goods and services; and

''(ii) to ensure that not less than 10 percent of the applicable amount is made available each fiscal year for the financing of exports of goods and services relating to renewable energy sources.''.

(d) OFFICE OF FINANCING FOR CLEAN ENERGY, ENERGY EFFICIENCY, AND ENERGY STORAGE.—Section 2(b)(1)(C) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(C)) is amended to read as follows:

''(C) OFFICE OF FINANCING FOR CLEAN ENERGY, ENERGY EFFICIENCY, AND ENERGY STORAGE.—The Board of Directors shall establish an office to promote the export of goods and services related to clean energy, energy efficiency, and energy storage (as defined in subsection (l)(4)). The office shall disseminate information with respect to opportunities to export such goods and services and the availability of financing from the Bank for such exports.''.

(e) REPORTING ON FINANCING RELATED TO PEOPLE'S REPUBLIC OF CHINA AND RUSSIAN FEDERATION.—Section 408 of title IV of division I of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 12 U.S.C. 635 note) is amended—

(1) in the section heading, by striking ''**CHINA**'' and inserting ''**THE PEOPLE'S REPUBLIC OF CHINA AND THE RUSSIAN FEDERATION**'';

(2) in subsection (a), in the matter preceding paragraph (1), by striking ''the government of China'' and inserting ''the Government of the People's Republic of China or the Government of the Russian Federation'';

(3) in subsection (c)(1)(C), by striking ''the government of China'' and inserting ''the Government of the People's Republic of China or the Government of the Russian Federation'';

(4) by striking subsection (d) and inserting the following:

''(d) DEFINITIONS.—In this section:

''(1) GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—The term 'Government of the People's Republic of China' means any person that the Bank has reason to believe is—

''(A) the state and the Government of the People's Republic of China, as well as any political subdivision, agency, or instrumentality thereof;

''(B) any entity controlled, directly or indirectly, by any of the foregoing, including any partnership, association, or other entity in which any of the foregoing owns a 50 percent or greater interest or a controlling interest, and any entity which is otherwise controlled by any of the foregoing;

''(C) any person that is or has been acting or purporting to act, directly or indirectly, for or on behalf of any of the foregoing; and

''(D) any other person which the Secretary of the Treasury has notified the Bank is included in any of the foregoing.

''(2) GOVERNMENT OF THE RUSSIAN FEDERATION.—The term 'Government of the Russian Federation' means any person that the Bank has reason to believe is—

''(A) the state and the Government of the Russian Federation, as well as any political subdivision, agency, or instrumentality thereof;

''(B) any entity controlled, directly or indirectly, by any of the foregoing, including any partnership, association, or other entity in which any of the foregoing owns a 50 percent or greater interest or a controlling interest, and any entity which is otherwise controlled by any of the foregoing;

''(C) any person that is or has been acting or purporting to act, directly or indirectly, for or on behalf of any of the foregoing; and

''(D) any other person which the Secretary of the Treasury has notified the Bank is included in any of the foregoing.''; and

(5) in subsection (e)(2), in the matter preceding subparagraph (A), by striking ''China is'' and inserting ''the People's Republic of China and the Russian Federation are''.

SA 1931. Mr. MANCHIN (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

SEC. 25___. UNIVERSITY INFRASTRUCTURE REVITALIZATION PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to upgrade and expand nuclear research capabilities of universities in the United States to meet the research requirements of advanced nuclear energy systems;

(2) to establish regional nuclear innovation hubs and university-led consortia to support innovation in nuclear science and engineering and related disciplines; and

(3) to ensure the continued operation of university research reactors.

(b) DEFINITIONS.—In this section:

(1) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) EPSCoR UNIVERSITY.—The term ''EPSCoR university'' means an institution of higher education that participates in the Established Program to Stimulate Competitive Research Federal-State partnership program designed to enhance the capabilities of universities to conduct sustainable and nationally competitive energy-related research administered by the Department of Energy.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' has the meaning given the term ''minority institution'' in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k).

(6) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(7) PROGRAM.—The term ''program'' means the University Infrastructure Revitalization Program established under subsection (c).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(c) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the ''University Infrastructure Revitalization Program'', to promote collaborations, partnerships, and knowledge sharing between institutions of higher education, including EPSCoR universities, historically Black colleges and universities, and minority-serving institutions, National Laboratories, industry, and associated labor unions with the mission to revitalize and upgrade existing nuclear science and engineering infrastructure and develop new capabilities and expertise to support the development of advanced nuclear reactor technologies and applications.

(d) CONSORTIA.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish university-led consortia comprised of institutions of higher education, including EPSCoR universities, historically Black colleges and universities, and minority-serving institutions, National Laboratories, industry, and associated labor unions to enhance university-based nuclear science and engineering infrastructure.

(2) ACTIVITIES.—The Secretary shall competitively award to consortia established under paragraph (1) awards—

(A) to enhance existing capabilities and establish new capabilities and expertise;

(B) to provide project management services and support, technical support, quality engineering and inspections, and nuclear material support to—

(i) existing university nuclear science and engineering programs in the United States as of the date of enactment of this Act;

(ii) the 25 existing research reactors at universities in the United States as of the date of enactment of this Act; and

(iii) new and emerging nuclear science and engineering programs at institutions of higher education, including—

(I) EPSCoR universities;

(II) historically Black colleges and universities; and

(III) minority-serving institutions.

(e) FUNDING.—Notwithstanding any other provision of this Act, of the amounts authorized in section 2117(a), $50,000,000 is authorized for each of fiscal years 2022 through 2026 to carry out this section.

SA 1932. Mr. INHOFE (for himself, Mr. COONS, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. ADDRESSING THREATS TO NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1862 et seq.) is amended by adding at the end the following:

''SEC. 234. STATEMENT OF POLICY.

''It is the policy of the United States—

''(1) to ensure the continued strength and leadership of the United States with respect to the research and development of key technologies for future wireless telecommunications standards and infrastructure;

''(2) that the national security of the United States requires the United States to maintain its leadership in the research and development of key technologies for future wireless telecommunications standards and infrastructure; and

''(3) that the national security and foreign policy of the United States requires that the importation of items that use, without a license, a claimed invention protected by a patent that is essential for the implementation of a wireless communications standard and is held by a United States person, be controlled to ensure the achievement of the policies described in paragraphs (1) and (2).

''SEC. 235. LIST OF FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary of Commerce (in this section referred to as the 'Secretary') shall establish and maintain a list of each foreign entity that the Secretary determines—

''(1)(A) uses, without a license, a claimed invention protected by a patent that is essential for the implementation of a wireless communications standard and is held by a covered person; and

''(B) is a person of concern or has as its ultimate parent a person of concern; or

''(2) is a successor to an entity described in paragraph (1).

''(b) WATCH LIST.—

''(1) IN GENERAL.—The Secretary shall establish and maintain a watch list of each foreign entity—

''(A)(i) that is a person of concern or has as its ultimate parent a person of concern; and

''(ii) with respect to which a covered person has made the demonstration described in paragraph (2) in a petition submitted to the Secretary for the inclusion of the entity on the list; or

''(B) that is a successor to an entity described in subparagraph (A).

''(2) DEMONSTRATION DESCRIBED.—

''(A) IN GENERAL.—A covered person has made a demonstration described in this paragraph if the person has reasonably demonstrated to the Secretary that—

''(i) the person owns at least one unexpired patent that is essential for the implementation of a wireless communications standard;

''(ii) a foreign entity that is a person of concern, or has as its ultimate parent a person of concern, has been, for a period of more than 180 days, selling wireless communications devices in or into the United States, directly or indirectly, that are claimed, labeled, marketed, or advertised as complying with that standard;

''(iii) the covered person has offered to the foreign entity or any of its affiliates—

''(I) a license to the person's portfolio of patents that are essential to that standard; or

''(II) to enter into binding arbitration to resolve the terms of such a license; and

''(iv) the foreign entity has not executed a license agreement or an agreement to enter into such arbitration, as the case may be, by the date that is 180 days after the covered person made such an offer.

''(B) DEMONSTRATION OF ESSENTIALITY.—A covered person may demonstrate under subparagraph (A)(i) that the person owns at least one unexpired patent that is essential for the implementation of a wireless communications standard by providing to the Secretary any of the following:

''(i) A decision by a court or arbitral tribunal that a patent owned by the person is essential for the implementation of that standard.

''(ii) A determination by an independent patent evaluator not hired by the person that a patent owned by the person is essential for the implementation of that standard.

''(iii) A showing that wireless communications device manufacturers together accounting for a significant portion of the United States or world market for such devices have entered into agreements for licenses to the person's portfolio of patents that are essential for the implementation of that standard.

''(iv) A showing that the person has previously granted licenses to the foreign entity described in subparagraph (A)(ii) or any of its affiliates with respect to a reasonably similar portfolio of the person's patents that are essential for the implementation of that standard.

''(C) ACCOUNTING OF WIRELESS COMMUNICATIONS DEVICE MARKET.—A showing described in subparagraph (B)(iii) may be made either by including or excluding wireless communications device manufacturers that are persons of concern.

''(3) PROCEDURES.—

''(A) ADDING A FOREIGN ENTITY TO THE WATCH LIST.—

''(i) IN GENERAL.—The Secretary may add a foreign entity to the watch list under paragraph (1) only after notice and opportunity for an agency hearing on the record in accordance with (except as provided in clause (ii)) sections 554 through 557 of title 5, United States Code.

''(ii) MATTERS CONSIDERED AT HEARING.—An agency hearing conducted under clause (i)—

''(I) shall be limited to consideration of—

''(aa) whether the demonstration described in paragraph (2) has been reasonably made; and

''(bb) the amount of bond to be required in accordance with section 236; and

''(II) may not include the presentation or consideration of legal or equitable defenses or counterclaims.

''(B) ADMINISTRATIVE PROCEDURE.—Except as provided in subparagraph (A), the functions exercised under this section and section 236 shall not be subject to sections 551, 553 through 559, or 701 through 706 of title 5, United States Code.

''(c) MOVEMENT BETWEEN LISTS.—A foreign entity on the watch list required by subsection (b)(1) may be moved to the list required by subsection (a), pursuant to procedures established by the Secretary, on or after the date that is one year after being included on the watch list if the foreign entity is not able to reasonably demonstrate that it has entered into a patent license agreement or a binding arbitration agreement with each covered person that has made the demonstration described in subsection (b)(2) with respect to the entity.

''(d) REMOVAL FROM LISTS.—A foreign entity on the list required by subsection (a) or on the watch list required by subsection (b)(1) may petition the Secretary to be removed from that list on the basis that the conditions that led to the inclusion of the foreign entity on the list no longer exist. The burden of proof shall be on the foreign entity.

''(e) DEFINITIONS.—In this section:

''(1) AFFILIATE.—The term 'affiliate', with respect to an entity, means any entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the entity.

''(2) COUNTRY OF CONCERN.—The term 'country of concern' means a country with respect to which the Secretary determines that—

''(A) persons in the country persistently use, without obtaining a license, patents—

''(i) essential to the implementation of wireless communications standards; and

''(ii) held by a covered person; and

''(B) that use of patents poses a threat to—

''(i) the ability of the United States to maintain a wireless communications research and development infrastructure; and

''(ii) the national security of the United States, pursuant to the policy set forth in section 234.

''(3) COVERED PERSON.—The term 'covered person' means—

''(A) a covered United States person; or

''(B) an affiliate of a covered United States person—

''(i) headquartered in, or organized under the laws of, a country that is a member of the European Union or the North Atlantic Treaty Organization; and

''(ii) engaged in wireless communications research and development.

''(4) COVERED UNITED STATES PERSON.—The term 'covered United States person' means a United States person engaged in wireless communications research and development in the United States.

''(5) PERSON OF CONCERN.—The term 'person of concern' means a person that is—

''(A) an individual who is a citizen or national (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))) of a country of concern; or

''(B) an entity that is headquartered in, or organized under the laws of, a country of concern.

''(6) UNITED STATES PERSON.—The term 'United States person' means—

''(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

''(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

''(C) any person in the United States.

''(7) WIRELESS COMMUNICATIONS STANDARD.—The term 'wireless communications standard' means—

''(A) a cellular wireless telecommunications standard, including such a standard promulgated by the 3rd Generation Partnership Project (commonly known as '3GPP') or the 3rd Generation Partnership Project 2 (commonly known as '3GPP2'); or

''(B) a wireless local area network standard, including such a standard designated as IEEE 802.11 as developed by the Institute of Electrical and Electronics Engineers (commonly known as the 'IEEE').

''SEC. 236. IMPORT SANCTIONS WITH RESPECT TO CERTAIN FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY.

''(a) IN GENERAL.—Any foreign entity on the list required by section 235(a) may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

''(b) ENTRY UNDER BOND.—

''(1) IN GENERAL.—Unless otherwise prescribed by the President, a product described in paragraph (2) may not enter the United States except under bond prescribed by the Secretary of Commerce in an amount determined by the Secretary to be sufficient to protect from injury a covered United States person that made the demonstration described in section 235(b)(2) with respect to the entity that has been selling the product directly or indirectly in or into the United States.

''(2) PRODUCTS DESCRIBED.—A product described in this paragraph is a wireless communications device—

''(A) produced or sold by—

''(i) a foreign entity on the watch list required by section 235(b);

''(ii) a successor of such an entity; or

''(iii) an affiliate of an entity described in clause (i) or (ii); and

''(B) that is claimed, labeled, marketed, or advertised as complying with a wireless communications standard that was the basis for the inclusion of the foreign entity on the watch list.

''(c) FORFEITURE OF BOND.—

''(1) IN GENERAL.—If a foreign entity on the watch list required by section 235(b) is moved to the list required by section 235(a) and becomes subject to controls under subsection (a), a bond paid under subsection (b) shall be forfeited to a covered United States person that made the demonstration described in section 235(b)(2) with respect to the entity.

''(2) TERMS AND CONDITIONS.—The Secretary of Commerce shall prescribe the procedures and any terms or conditions under which bonds will be forfeited under paragraph (1).

''(d) NON-INTEREST-BEARING BONDS.—A bond under this section shall be non-interest-bearing.

''(e) DEFINITIONS.—In this section, the terms 'affiliate' and 'covered United States person' have the meanings given those terms in section 235(d).''.

(b) CONTROLS ON IMPORTS OF GOODS OR TECHNOLOGY AGAINST PERSONS THAT RAISE NATIONAL SECURITY CONCERNS.—Section 233 of the Trade Expansion Act of 1962 (19 U.S.C. 1864) is amended to read as follows:

''SEC. 233. IMPORT SANCTIONS FOR EXPORT VIOLATIONS.

''(a) IN GENERAL.—A person described in subsection (b) may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

''(b) PERSONS DESCRIBED.—A person described in this subsection is a person that—

''(1) violates any national security export control imposed under section 1755 of the Export Control Reform Act of 2018 (50 U.S.C. 4814) or any regulation, order, or license issued under that section; or

''(2) raises a national security concern under—

''(A) section 235 or any regulation, order, or license issued under that section; or

''(B) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.) or any regulation, order, or license issued under that Act.''.

SA 1933. Mrs. HYDE–SMITH submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title VI of division B, insert the following:

SEC. 26___. HYDROGEN RESEARCH AND DEVELOPMENT AND TESTING.

(a) IN GENERAL.—The Administrator shall fully leverage and use the unique hydrogen expertise, fuel farm, and testing platforms co-located with NASA large-scale rocket propulsion test facilities for testing federally funded programs or public-private partnerships involving the use of hydrogen in space exploration, space technology, and aeronautics.

(b) MAINTENANCE OF EXPERTISE.—

(1) IN GENERAL.—The Administrator shall maintain the hydrogen expertise, fuel farm, and testing platforms co-located with NASA large-scale rocket propulsion test facilities for the purpose of supporting ongoing activities associated with liquid oxygen-hydrogen rockets, including the Space Launch System and the Exploration Upper Stage for the Space Launch System.

(2) AVAILABILITY.—The Administrator shall make the expertise and infrastructure described in paragraph (1) available to Government and commercial vehicles that may benefit from testing at NASA hydrogen test facilities.

(c) TESTING CAPABILITIES AND PLATFORMS.—The Administrator shall consider investments in future testing capabilities and platforms to support a range of hydrogen systems in—

(1) space systems, including launch vehicles and spacecraft; and

(2) aeronautics research and development, including unmanned aircraft systems.

(d) RESEARCH AND DEVELOPMENT.—The Administrator, to the extent practicable, shall coordinate with research universities and other Federal agencies to incorporate hydrogen capabilities into research and development and testing road maps across programs.

(e) REPORT.—Not later than 180 days after the date of the enactment of this division, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(1) identifies all current and planned NASA-funded programs and public-private partnerships that involve the research, development, and testing of space exploration, space technology, and aeronautics systems using hydrogen, including propulsion systems, hydrogen fuel tanks, transfer systems, and integrated systems and vehicles;

(2) describes the manner in which each such program or partnership is currently, or may in the future, use NASA hydrogen research and development and testing capabilities; and

(3) identifies potential investments in facilities and capabilities that may enable current and future hydrogen research, development, and testing activities.

SA 1934. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, insert the following:

SEC. 2528. ASSESSMENT OF EXISTING LARGE POWER TRANSFORMERS.

The Secretary of Energy shall conduct an assessment of existing large power transformers in the United States, identify Government resources that could be leveraged to enhance the domestic manufacturing of large power transformers, and identify any authorities needed to provide such assistance.

SA 1935. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, on line 20, insert ''Appointment as a program director under this section shall be voluntary, and the Director is not authorized to remove a program director during their appointed term unless for cause.'' after ''tor.''

Beginning on page 113, strike line 24 and all that follows through line 3 on page 115 and insert the following:

(3) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303, 3304(b), and 3328 of that title, a qualified candidate described in subparagraph (B) directly to a position in the competitive service with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(B) FELLOWSHIP OR TEMPORARY ROTATIONAL POSTING.—Subparagraph (A) applies with respect to a former recipient of an award under this subsection who—

(i) earned a doctoral degree in a STEM field from an institution of higher education; and

(ii) successfully fulfilled the requirements of the fellowship or temporary rotational posting within a Federal agency.

(C) LIMITATION.—The direct hire authority under this paragraph shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the requirements related to the fellowship or temporary rotational posting described under this subsection.

(D) NUMBER.—The number of employees appointed and retained by the Federal Government under this paragraph shall not exceed 10 at any time.

Strike section 2204 and insert the following:

SEC. 2204. PERSONNEL MANAGEMENT AUTHORITIES FOR THE FOUNDATION.

(a) STUDY.—Not later than 30 days after the date of enactment of this division, the Director shall contract with the National Academy of Public Administration to conduct a study on the organizational and management structure of the Foundation, to—

(1) evaluate and make recommendations to efficiently and effectively implement the Directorate for Technology and Innovation;

(2) evaluate and make recommendations to ensure coordination of the Directorate for Technology and Innovation with other directorates and offices of the Foundation and other Federal agencies; and

(3) make recommendations for the management of the Foundation's business and personnel practices, including implementation of the new hiring authorities and program director authorities provided in section 2103.

(b) REVIEW.—Upon completion of the study under paragraph (1), the Foundation shall review the recommendations from the National Academy of Public Administration and provide a briefing to Congress on the plans of the Foundation to implement any such recommendations.

Strike section 2665 and insert the following:

SEC. 2665. APPOINTMENT AND COMPENSATION PILOT PROGRAM.

(a) DEFINITION OF COVERED PROVISIONS.—In this section, the term ''covered provisions'' means the provisions of title 5, United States Code, other than—

(1) section 2301 of that title;

(2) section 2302 of that title;

(3) chapter 33 of that title;

(4) chapter 71 of that title;

(5) chapter 72 of that title; and

(6) chapter 73 of that title.

(b) ESTABLISHMENT.—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 3,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and

(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) ADMINISTRATOR RESPONSIBILITIES.—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—

(A) state-of-the-art recruitment techniques;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

(d) REPORT.—Not later than 2 years after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) describes in detail—

(A) the use of the pilot program hiring authority under this section, including pay, qualifications, and classification of individuals hired under such authority;

(B) the methods for recruitment under the program; and

(C) efforts being made by the NASA to address any compensation equity issue that may arise as a result of the program;

(2) analyzes the impact of the program on participants, disaggregated by demographic factors including age, race, ethnicity, gender, education, compensation, and job classification;

(3) compares the demographics of the program participants with the demographics of NASA employees outside the program;

(4) assesses the morale and engagement of the NASA workforce participating in the program, as compared to the morale and engagement of the NASA workforce outside the program; and

(5) makes recommendations with respect to the continuation, modification, or permanent codification of the program.

Strike section 2669 and insert the following:

SEC. 2669. SEPARATIONS AND RETIREMENT INCENTIVES.

(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

Subchapter II of chapter 35 of title 5, United States Code, is amended—

(1) in section 3521—

(A) by striking paragraph (1) and inserting the following:

''(1) 'agency'—

''(A) means an Executive agency as defined under section 105 (other than the Government Accountability Office); and

''(B) includes the National Aeronautics and Space Administration; and''; and

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking ''and'' at the end;

(ii) in subparagraph (B)(vi)(III), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) shall include an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b).''; and

(2) in section 3523(b)(3)(B), by inserting ''(or, during the 7-year period beginning on the date of enactment of the United States Innovation and Competition Act of 2021, with respect to an employee of the National Aeronautics and Space Administration, including an employee described in section 3521(2)(C), not to exceed $40,000)'' after ''$25,000''.

(b) EARLY RETIREMENT.—Title 5, United States Code, is amended—

(1) in section 8336(d), in the matter preceding paragraph (1), by inserting ''(including, for the purposes of paragraph (2), an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b))'' after ''An employee''; and

(2) in section 8414(b)(1), in the matter preceding subparagraph (A), by inserting ''(including, for the purposes of subparagraph (B), an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b))'' after ''an employee''.

SA 1936. Mr. SULLIVAN (for himself, Mr. RUBIO, and Mr. INHOFE) submitted

an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2116 of division B and insert the following:

SEC. 2116. AUTHORIZATION OF APPROPRIATIONS FOR THE FOUNDATION.

(a) FISCAL YEAR 2022.—

(1) FOUNDATION.—There is authorized to be appropriated to the Foundation $9,000,000,000 for fiscal year 2022.

(2) SPECIFIC NSF ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $8,500,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $756,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $500,000,000 shall be made available to the Directorate, of which—

(i) $165,000,000 shall be for the innovation centers under section 2104;

(ii) $90,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $70,000,000 shall be for academic technology transfer under section 2109;

(iv) $50,000,000 shall be for test beds under section 2108;

(v) $75,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(b) FISCAL YEAR 2023.—

(1) FOUNDATION.—There is authorized to be appropriated to the Foundation $9,700,000,000 for fiscal year 2023.

(2) SPECIFIC NSF ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $8,700,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $1,078,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $1,000,000,000 shall be made available to the Directorate, of which—

(i) $330,000,000 shall be for the innovation centers under section 2104;

(ii) $180,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $140,000,000 shall be for academic technology transfer under section 2109;

(iv) $100,000,000 shall be for test beds under section 2108;

(v) $150,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(c) FISCAL YEAR 2024.—

(1) FOUNDATION.—There is authorized to be appropriated to the Foundation $10,300,000,000 for fiscal year 2024.

(2) SPECIFIC NSF ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $8,900,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $1,383,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $1,400,000,000 shall be made available to the Directorate, of which—

(i) $462,000,000 shall be for the innovation centers under section 2104;

(ii) $252,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $196,000,000 shall be for academic technology transfer under section 2109;

(iv) $140,000,000 shall be for test beds under section 2108;

(v) $210,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(d) FISCAL YEAR 2025.—

(1) FOUNDATION.—There is authorized to be appropriated to the Foundation $11,700,000,000 for fiscal year 2025.

(2) SPECIFIC NSF ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $9,100,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $1,722,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $2,600,000,000 shall be made available to the Directorate, of which—

(i) $858,000,000 shall be for the innovation centers under section 2104;

(ii) $468,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $364,000,000 shall be for academic technology transfer under section 2109;

(iv) $260,000,000 shall be for test beds under section 2108;

(v) $390,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(e) FISCAL YEAR 2026.—

(1) FOUNDATION.—There is authorized to be appropriated to the Foundation $17,000,000,000 for fiscal year 2026.

(2) SPECIFIC NSF ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $9,500,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which $2,011,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) $7,500,000,000 shall be made available to the Directorate, of which—

(i) $2,475,000,000 shall be for the innovation centers under section 2104;

(ii) $1,350,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) $1,050,000,000 shall be for academic technology transfer under section 2109;

(iv) $750,000,000 shall be for test beds under section 2108;

(v) $1,350,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(f) ALLOCATION AND LIMITATIONS.—

(1) ALLOCATION FOR THE OFFICE OF INSPECTOR GENERAL.—From any amounts appropriated for the Foundation for a fiscal year, the Director shall allocate for necessary expenses of the Office of Inspector General of the Foundation an amount of not less than $33,000,000 in any fiscal year for oversight of the programs and activities funded under this section in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).

(2) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated under this section shall supplement, and not supplant, any other amounts previously appropriated to the Office of the Inspector General of the Foundation.

(3) NO NEW AWARDS.—The Director shall not make any new awards for the activities under the Directorate for any fiscal year in which the total amount appropriated to the Foundation (not including amounts appropriated for the Directorate) is less than the total amount appropriated to the Foundation (not including such amounts), adjusted by the rate of inflation, for the previous fiscal year.

(4) NO FUNDS FOR CONSTRUCTION.—No funds provided to the Directorate under this section shall be used for construction.

SEC. 2116A. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the recommendations of the National Security Commission on Artificial Intelligence contained in the final report of the Commission submitted under section 1051(c)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (132 Stat. 1965; Public Law 115–232), including any classified recommendations the Commission may have made, and to conduct research and development in the key technology focus areas amounts as follows:

(1) For the Defense Advanced Research Projects Agency:

(A) $720,000,000 for fiscal year 2022.

(B) $853,000,000 for fiscal year 2023.

(C) $1,107,000,000 for fiscal year 2024.

(D) $1,300,000,000 for fiscal year 2025.

(E) $1,420,000,000 for fiscal year 2026.

(2) For the Office of the Under Secretary of Defense for Research and Engineering, including for the establishment of an artificial intelligence fund:

(A) $100,000,000 for fiscal year 2022.

(B) $100,000,000 for fiscal year 2023.

(3) For the Department of Defense Joint Artificial Intelligence Center, $100,000,000 for fiscal year 2022.

(4) For the Department of Defense, other than as described in paragraphs (1), (2), and (3):

(A) $1,253,000,000 for fiscal year 2022.

(B) $1,485,000,000 for fiscal year 2023.

(C) $1,926,000,000 for fiscal year 2024.

(D) $2,263,000,000 for fiscal year 2025.

(E) $2,472,000,000 for fiscal year 2026.

(5) For the Office of the Director of National Intelligence and the Intelligence Advanced Research Projects Activity, and other elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), the Office of Science and Technology Policy, and the Department of Energy, consistent with the recommendations of the National Security Commission on Artificial Intelligence in the report described in this subsection in the matter before paragraph (1):

(A) $1,093,000,000 for fiscal year 2022.
(B) $1,296,000,000 for fiscal year 2023.
(C) $1,680,000,000 for fiscal year 2024.
(D) $1,974,000,000 for fiscal year 2025.
(E) $2,156,000,000 for fiscal year 2026.
(b) ALLOCATION AND LIMITATIONS.—
(1) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated by subsection (a) shall supplement, and not supplant, any other amounts previously authorized to be appropriated for the purposes described in such subsection.
(2) PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION.—None of the amounts appropriated pursuant to the authorization in subsection (a) may be used for construction.

SA 1937. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title I of division F, insert the following:

SEC. 61___. REQUIREMENT OF CERTIFICATION OF LABORATORIES.

Section 353 of the Public Health Service Act (42 U.S.C. 263a) is amended—
(1) by redesignating subsection (q) as subsection (r); and
(2) by inserting after subsection (p) the following:
''(q) TIES TO THE PEOPLE'S REPUBLIC OF CHINA.—
''(1) IN GENERAL.—Each certificate issued by the Secretary under this section shall state whether—
''(A) the laboratory;
''(B) the company that owns or manages the laboratory; or
''(C) any subcontractors or subsidiaries of such a laboratory or company,
is an entity described in paragraph (2).
''(2) ENTITY DESCRIBED.—An entity described in this paragraph is an entity—
''(A)(i) that is engaged in the biological, microbiological, serological, chemical, immuno-hematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, people of the United States; or
''(ii) that handles or has access to any data related to people of the United States that is derived from any activity described in clause (i); and
''(B)(i) over which control is exercised or exercisable by the Government of the People's Republic of China, a national of the People's Republic of China, or an entity organized under the laws of the People's Republic of China; or
''(ii) in which the Government of the People's Republic of China has a substantial interest.''.

SA 1938. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title I of division F, insert the following:

SEC. 61___. ANNUAL REPORTING REGARDING GRANTEE TIES TO FOREIGN GOVERNMENTS.

Title IV of the Public Health Service Act is amended by inserting after section 403C (42 U.S.C. 283a–2) the following:

''SEC. 403C–1. ANNUAL REPORTING REGARDING GRANTEE TIES TO FOREIGN GOVERNMENTS.

''(a) IN GENERAL.—On an annual basis, the Director of NIH shall submit to the Committee on Health, Education, Labor, and Pensions, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate, and to the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on any ties to foreign governments that researchers funded by grants from the National Institutes of Health have and that are not properly disclosed, vetted, and approved by the National Institutes of Health, including the status of any ongoing National Institutes of Health compliance reviews related to such ties and any administrative actions taken to address such concerns.
''(b) REQUIREMENT.—The Committees receiving the reports under subsection (a) shall keep confidential, and shall not release, any provision of such a report that is related to an ongoing National Institutes of Health compliance review.''.

SA 1939. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title I of division F, insert the following:

SEC. 61___. NIH STRATEGIC PLAN.

Section 402(m)(2) of the Public Health Service Act (42 U.S.C. 282(m)(2)) is amended—
(1) in subparagraph (E), by striking ''; and'' and inserting a semicolon;
(2) by redesignating subparagraph (F) as subparagraph (G); and
(3) by inserting after subparagraph (E) the following:
''(F) address national security issues, including ways in which the National Institutes of Health can engage with other Federal agencies to modernize the national security strategy of the National Institutes of Health; and''.

SA 1940. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II of division E, add the following:

SEC. 5214. REVIEWS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF COVERED TRANSACTIONS INVOLVING GENETIC INFORMATION.

(a) REQUIREMENTS FOR REVIEWS.—
(1) MANDATORY DECLARATIONS.—Section 721(b)(1)(C)(v)(IV) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)) is amended—
(A) by redesignating items (cc) through (gg) as items (dd) through (hh), respectively; and
(B) by inserting after item (bb) the following:
''(cc) COVERED TRANSACTIONS INVOLVING GENETIC INFORMATION.—The parties to a covered transaction shall submit a declaration described in subclause (I) with respect to the transaction if the transaction involves an investment described in subsection (a)(4)(B)(iii)(III) by a foreign person in a United States business that maintains or collects information about genetic tests of United States citizens, including any such information relating to genomic sequencing.''.
(2) CONSULTATION WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—Section 721(k)(6) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(6)) is amended—
(A) by striking ''The chairperson'' and inserting the following:
''(A) IN GENERAL.—The chairperson''; and
(B) by adding at the end the following:
''(B) COVERED TRANSACTIONS INVOLVING GENETIC INFORMATION.—The chairperson shall consult with the Secretary of Health and Human Services in any review or investigation under subsection (a) of a covered transaction that involves an investment described in subsection (a)(4)(B)(iii)(III) by a foreign person in a United States business that maintains or collects information about genetic tests of United States citizens, including any such information relating to genomic sequencing.''.
(3) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Committee on Foreign Investment in the United States shall prescribe regulations to carry out the amendments made by this subsection.

(b) EXPANSION OF COMMITTEES RECEIVING ANNUAL TESTIMONY FROM COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—Section 721(o) of the Defense Production Act of 1950 (50 U.S.C. 4565(o)) is amended—
(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate'' and inserting ''the committees specified in paragraph (2)'';
(2) by redesignating paragraph (2) as paragraph (3); and
(3) by inserting after paragraph (1) the following:
''(2) COMMITTEES SPECIFIED.—The committees specified in this paragraph are—

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date that is 90 days after the date of the enactment of this Act; and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date described in paragraph (1).

SA 1941. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 275, between lines 22 and 23, insert the following:

''(12) How the eligible consortium will advance biosecurity practices.

SA 1942. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 22 and 23, insert the following:

(11) how the applicant will utilize existing infrastructure, such as clean rooms, necessary to operate the test bed.

SA 1943. Mr. WICKER (for himself, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II of division C, add the following:

SEC. 3219L. TRANSNATIONAL REPRESSION ACCOUNTABILITY AND PREVENTION.

(a) SHORT TITLE.—This section may be cited as the ''Transnational Repression Accountability and Prevention Act of 2021'' or as the ''TRAP Act of 2021''.

(b) FINDINGS.—Congress makes the following findings:

(1) The International Criminal Police Organization (INTERPOL) works to prevent and fight crime through enhanced cooperation and innovation on police and security matters, including kleptocracy, counterterrorism, cybercrime, counternarcotics, and transnational organized crime.

(2) United States membership and participation in INTERPOL advances the national security and law enforcement interests of the United States related to combating kleptocracy, terrorism, cybercrime, narcotics, and transnational organized crime.

(3) Article 2 of INTERPOL's Constitution states that the organization aims ''[to] ensure and promote the widest possible mutual assistance between all criminal police authorities . . . in the spirit of the 'Universal Declaration of Human Rights' ''.

(4) Article 3 of INTERPOL's Constitution states that ''[i]t is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character''.

(5) These principles provide INTERPOL with a foundation based on respect for human rights and avoidance of politically motivated actions by the organization and its members.

(6) According to the Justice Manual of the United States Department of Justice, ''[i]n the United States, national law prohibits the arrest of the subject of a Red Notice issued by another INTERPOL member country, based upon the notice alone''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that some INTERPOL member countries have repeatedly misused INTERPOL's databases and processes, including Notice and Diffusion mechanisms, for activities of an overtly political or other unlawful character and in violation of international human rights standards, including making requests to harass or persecute political opponents, human rights defenders, or journalists.

(d) SUPPORT FOR INTERPOL INSTITUTIONAL REFORMS.—The Attorney General and the Secretary of State shall—

(1) use the voice, vote, and influence of the United States, as appropriate, within INTERPOL's General Assembly and Executive Committee to promote reforms aimed at improving the transparency of INTERPOL and ensuring its operation consistent with its Constitution, particularly articles 2 and 3, and Rules on the Processing of Data, including—

(A) supporting INTERPOL's reforms enhancing the screening process for Notices, Diffusions, and other INTERPOL communications to ensure they comply with INTERPOL's Constitution and Rules on the Processing of Data (RPD);

(B) supporting and strengthening INTERPOL's coordination with the Commission for Control of INTERPOL's Files (CCF) in cases in which INTERPOL or the CCF has determined that a member country issued a Notice, Diffusion, or other INTERPOL communication against an individual in violation of articles 2 or 3 of the INTERPOL Constitution, or the RPD, to prohibit such member country from seeking the publication or issuance of any subsequent Notices, Diffusions, or other INTERPOL communication against the same individual based on the same set of claims or facts;

(C) increasing, to the extent practicable, dedicated funding to the CCF and the Notices and Diffusions Task Force in order to further expand operations related to the review of requests for red notices and red diffusions;

(D) supporting candidates for positions within INTERPOL's structures, including the Presidency, Executive Committee, General Secretariat, and CCF who have demonstrated experience relating to and respect for the rule of law;

(E) seeking to require INTERPOL in its annual report to provide a detailed account, disaggregated by member country or entity of—

(i) the number of Notice requests, disaggregated by color, that it received;

(ii) the number of Notice requests, disaggregated by color, that it rejected;

(iii) the category of violation identified in each instance of a rejected Notice;

(iv) the number of Diffusions that it cancelled without reference to decisions by the CCF; and

(v) the sources of all INTERPOL income during the reporting period; and

(F) supporting greater transparency by the CCF in its annual report by providing a detailed account, disaggregated by country, of—

(i) the number of admissible requests for correction or deletion of data received by the CCF regarding issued Notices, Diffusions, and other INTERPOL communications; and

(ii) the category of violation alleged in each such complaint;

(2) inform the INTERPOL General Secretariat about incidents in which member countries abuse INTERPOL communications for politically motivated or other unlawful purposes so that, as appropriate, action can be taken by INTERPOL; and

(3) request to censure member countries that repeatedly abuse and misuse INTERPOL's red notice and red diffusion mechanisms, including restricting the access of those countries to INTERPOL's data and information systems.

(e) REPORT ON INTERPOL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and biannually thereafter for a period of 4 years, the Attorney General and the Secretary of State, in consultation with the heads of other relevant United States Government departments or agencies, shall submit to the appropriate committees of Congress a report containing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other INTERPOL communications for political motives and other unlawful purposes within the past three years.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A list of countries that the Attorney General and the Secretary determine have repeatedly abused and misused the red notice and red diffusion mechanisms for political purposes.

(B) A description of the most common tactics employed by member countries in conducting such abuse, including the crimes most commonly alleged and the INTERPOL communications most commonly exploited.

(C) An assessment of the adequacy of INTERPOL mechanisms for challenging abusive requests, including the Commission for the Control of INTERPOL's Files (CCF), an assessment of the CCF's March 2017 Operating Rules, and any shortcoming the United States believes should be addressed.

(D) A description of how INTERPOL's General Secretariat identifies requests for red notice or red diffusions that are politically motivated or are otherwise in violation of INTERPOL's rules and how INTERPOL reviews and addresses cases in which a member country has abused or misused the red notice and red diffusion mechanisms for overtly political purposes.

(E) A description of any incidents in which the Department of Justice assesses that United States courts and executive departments or agencies have relied on INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive departments or agencies took in response to these incidents.

(F) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that could affect the interests of the United States, including citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(G) A description of what actions the United States takes in response to credible information it receives concerning likely abuse of INTERPOL communications targeting employees of the United States Government for activities they undertook in an official capacity.

(H) A description of United States advocacy for reform and good governance within INTERPOL.

(I) A strategy for improving interagency coordination to identify and address instances of INTERPOL abuse that affect the interests of the United States, including international respect for human rights and fundamental freedoms, citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(3) FORM OF REPORT.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex, as appropriate. The unclassified portion of the report shall be posted on a publicly available website of the Department of State and of the Department of Justice.

(4) BRIEFING.—Not later than 30 days after the submission of each report under paragraph (1), the Department of Justice and the Department of State, in coordination with other relevant United States Government departments and agencies, shall brief the appropriate committees of Congress on the content of the reports and recent instances of INTERPOL abuse by member countries and United States efforts to identify and challenge such abuse, including efforts to promote reform and good governance within INTERPOL.

(f) PROHIBITION REGARDING BASIS FOR EXTRADITION.—No United States Government department or agency may extradite an individual based solely on an INTERPOL Red Notice or Diffusion issued by another INTERPOL member country for such individual.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(2) INTERPOL COMMUNICATIONS.—The term ''INTERPOL communications'' means any INTERPOL Notice or Diffusion or any entry into any INTERPOL database or other communications system maintained by INTERPOL.

SA 1944. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title I of division F, insert the following:

SEC. 61___. PROHIBITED USE OF NIH FUNDING.

Notwithstanding any other provision of law, no amounts made available to the National Institutes of Health may be used with respect to activities carried out by any company or its subcontractors or subsidiaries—

(1) over which control is exercised or exercisable by the Government of the People's Republic of China, a national of the People's Republic of China, or an entity organized under the laws of the People's Republic of China; or

(2) in which the Government of the People's Republic of China has a substantial interest.

SA 1945. Mr. LANKFORD (for himself, Mr. KING, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 63___. LOAN GUARANTEES FOR PROJECTS THAT INCREASE THE DOMESTIC SUPPLY OF CRITICAL MINERALS.

(a) IN GENERAL.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

''(13) Projects that increase the domestic supply of critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)), including through the production, processing, and recycling of critical minerals and the fabrication of mineral alternatives.''.

(b) PROHIBITION ON USE OF PREVIOUSLY APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this Act shall not be made available for the cost of loan guarantees made under paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

(c) PROHIBITION ON USE OF PREVIOUSLY AVAILABLE COMMITMENT AUTHORITY.—Amounts made available to the Department of Energy for commitments to guarantee loans under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) before the date of enactment of this Act shall not be made available for commitments to guarantee loans for projects described in paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

SA 1946. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION G—COMBATING CHINESE THEFT OF TRADE SECRETS

SEC. 7001. SHORT TITLE.

This division may be cited as the ''Combating Chinese Purloining of Trade Secrets Act'' or the ''CCP Trade Secrets Act''.

TITLE I—INCREASED PENALTIES FOR VIOLATIONS OF SECTION 2512 OF TITLE 18, UNITED STATES CODE, INVOLVING A FOREIGN GOVERNMENT

SEC. 7101. MANUFACTURE, DISTRIBUTION, POSSESSION, AND ADVERTISING OF WIRE, ORAL, OR ELECTRONIC COMMUNICATION INTERCEPTING DEVICES PROHIBITED.

(a) IN GENERAL.—Section 2512 of title 18, United States Code, is amended by adding at the end the following:

''(4) Any person who violates this section with the intent to benefit any government of a foreign country (as defined in section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611)), agency or instrumentality of a foreign state (as defined in section 1603(b) of title 28, United States Code), or agent of a foreign principal (as defined in section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611)) shall be fined under this title, imprisoned for not more than 20 years, or both.''.

(b) SENTENCING ENHANCEMENT FOR FOREIGN INVOLVEMENT IN VIOLATIONS OF SECTION 2512 OF TITLE 18, UNITED STATES CODE.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure that the guidelines provide an additional penalty increase of not fewer than 4 offense levels if the defendant violated section 2512 of title 18, United States Code, with the intent to benefit any government of a foreign country, agency or instrumentality of a foreign state, or agent of a foreign principal.

TITLE II—PROTECTING U.S. BUSINESSES FROM FOREIGN TRADE SECRET THEFT

SEC. 7201. SHORT TITLE.

This title may be cited as the ''Protecting U.S. Businesses from Foreign Trade Secrets Theft Act of 2021''.

SEC. 7202. PROHIBITION ON MISAPPROPRIATING U.S. TRADE SECRETS.

(a) IN GENERAL.—Chapter 90 of title 18, United States Code, is amended by adding at the end the following:

''§ 1840. Applicability to foreign persons

''(a) DEFINITIONS.—In this section—

''(1) the term 'critical technology' has the meaning given the term 'critical technologies' in section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565);

''(2) the term 'designated Federal agency' means—

''(A) the Department of Homeland Security;

''(B) U.S. Customs and Border Protection;

''(C) the Department of Commerce;

''(D) the Securities and Exchange Commission;

''(E) the Export-Import Bank of the United States;

''(F) the Department of State; and

''(G) the United States Patent and Trademark Office;

''(3) the term 'foreign person' means a person that is not a United States person;

''(4) the term 'International Trade Commission' means the United States International Trade Commission;

''(5) the term 'offending foreign person' means a foreign person—

''(A) who misappropriates a trade secret; and

''(B) with respect to whom a petition submitted under subsection (b)(1) satisfies the requirements under that subsection, as determined by the Attorney General;

''(6) the term 'person' means—

''(A) an individual; and

''(B) a corporation, business association, partnership, society, or trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

''(7) the term 'United States person' means—

''(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

''(B) a corporation or other legal entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia; and

''(C) a corporation or other legal entity—

''(i) organized under the laws of a jurisdiction outside of the United States; and

''(ii) with respect to which a United States person described in subparagraph (A) or (B)—

''(I) holds more than 50 percent of the equity interest by vote or value;

''(II) holds a majority of seats on the board of directors; or

''(III) otherwise controls the actions, policies, or personnel decisions.

''(b) PETITION FOR RELIEF.—

''(1) DEMONSTRATION OF MISAPPROPRIATION.—If an owner of a trade secret, who is a United States person, wishes to have the Attorney General or the head of the applicable designated Federal agency apply a penalty under subsection (c) to a foreign person who has misappropriated the trade secret, the owner shall submit to the Attorney General a petition demonstrating that—

''(A)(i) a court has entered a temporary restraining order, preliminary injunction, or final judgment under section 1836 of this title against the foreign person for misappropriating a trade secret of the owner;

''(ii) the International Trade Commission has issued a temporary exclusion order or final exclusion order under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) against the foreign person for misappropriating a trade secret of the owner; or

''(iii) an indictment has been issued under section 1831 or 1832 of this title against the foreign person for misappropriating a trade secret of the owner;

''(B) the trade secret described in the applicable clause of subparagraph (A) involves or is a component of critical technology; and

''(C) the remedies available to the owner under section 1836 of this title or section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), as applicable, are unlikely to provide complete relief to the owner because the foreign person has used or is reasonably likely to use the misappropriated trade secret in the home country of the foreign person or a third country, such that activities of the foreign person relevant to the determinations under subparagraph (A) take place outside the United States.

''(2) REVIEW.—Not later than 60 days after the date on which an owner who is a United States person submits a petition to the Attorney General under paragraph (1), the Attorney General shall determine whether the petition satisfies the requirements under that paragraph.

''(3) NOTIFICATION.—If the Attorney General determines under paragraph (2) that a petition satisfies the requirements under paragraph (1), the Attorney General shall so notify the head of each designated Federal agency not later than 30 days after the date of the determination.

''(4) SENSE OF CONGRESS.—It is the sense of Congress that if the Attorney General determines under paragraph (2) that a petition relating to a foreign person satisfies the requirements under paragraph (1), the Attorney General and the head of each designated Federal agency should impose 1 or more penalties on the foreign person under subsection (c), to the extent that the penalties are applicable.

''(c) PENALTIES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date on which the Attorney General provides notice to the head of each designated Federal agency under subsection (b)(3) with respect to an offending foreign person, the Attorney General or the head of a designated Federal agency, as applicable, may impose 1 or more of the following penalties on the offending foreign person:

''(A) IMPORT RESTRICTION.—The Commissioner of U.S. Customs and Border Protection may exclude from entry into the United States any articles produced by the offending foreign person.

''(B) EXPORT LICENSES.—

''(i) DUAL-USE EXPORTS.—The Secretary of Commerce may refuse to issue any specific license, or grant any other specific permission or authority, for the export, reexport, or in-country transfer of items to the offending foreign person under the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.).

''(ii) DEFENSE ARTICLES AND DEFENSE SERVICES.—The Secretary of State may refuse to issue any license or other approval for the export of defense articles or defense services to the offending foreign person under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(C) RESTRICTED PARTIES.—

''(i) COMMERCE LISTS.—The Secretary of Commerce may add the offending foreign person to one of the following lists maintained by the Bureau of Industry and Secretary of the Department of Commerce:

''(I) The Entity List set forth in Supplement No. 4 to part 744 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

''(II) The Denied Persons List maintained pursuant to section 764.3 of the Export Administration Regulations.

''(ii) TREASURY LIST.—The Secretary of the Treasury may add the offending foreign person to the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

''(D) SECURITIES REPORTING.—The Securities and Exchange Commission may determine whether the use by the offending foreign person of the misappropriated trade secret is a reportable material condition in any filing by the offending foreign person required under applicable securities laws of the United States.

''(E) PATENT PROTECTION.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office may prohibit the offending foreign person from applying for patent protection, being listed as an inventor on a patent application, or continuing a patent application under title 35, United States Code.

''(F) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO FOREIGN PERSON.—The Export-Import Bank of the United States may refuse to approve the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the offending foreign person.

''(G) EXCLUSION OF CORPORATE OFFICERS.—The Secretary of State may deny a visa application, and the Secretary of Homeland Security may deny an application for admission to the United States, of any alien that the applicable Secretary determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the offending foreign person.

''(H) OTHER PENALTIES.—The Attorney General or the head of a designated Federal agency—

''(i) may not procure, or enter into a contract for the procurement of, any goods or services from the offending foreign person;

''(ii) may prohibit, pursuant to notice issued by the Attorney General, a United States person from knowingly investing in or purchasing significant amounts of equity or debt instruments of the offending foreign person;

''(iii) may impose on a principal executive officer of the offending foreign person, or on an individual performing similar functions and with similar authorities as such an officer, any penalty under this subsection that could be imposed on the offending foreign person; and

''(iv) may impose on the offending foreign person any other penalty authorized under any provision of Federal law, as determined appropriate.

''(2) DURATION OF PENALTIES.—

''(A) TEMPORARY PENALTY.—If a court enters a temporary restraining order or preliminary injunction under section 1836 of this title against an offending foreign person for misappropriating a trade secret, the International Trade Commission issues a temporary exclusion order under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) against an offending foreign person for misappropriating a trade secret, or an indictment is issued under section 1831 or 1832 of this title against an offending foreign person for misappropriating a trade secret, the Attorney General or the head of a designated Federal agency may impose a penalty under paragraph (1) on the offending foreign person during the period during which the temporary restraining order, preliminary injunction, temporary exclusion order, or indictment remains in effect.

''(B) PERMANENT PENALTY.—If a court enters a final judgment under section 1836 of this title against an offending foreign person for misappropriating a trade secret, the International Trade Commission issues a final exclusion order under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) against an offending foreign person for misappropriating a trade secret, or an offending foreign person is convicted under section 1831or 1832 of this title of misappropriating a trade secret, the Attorney General or the head of a designated Federal agency may permanently

impose a penalty under paragraph (1) on the foreign person.

''(3) PETITION FOR REVIEW.—

''(A) IN GENERAL.—If the Attorney General or the head of a designated Federal agency imposes a temporary penalty under paragraph (2)(A) or a permanent penalty under paragraph (2)(B) on an offending foreign person, the offending foreign person may submit to the Attorney General or the head of the designated Federal agency a petition for the revocation or modification of the penalty—

''(i) not later 45 days after the date on which the penalty is imposed; or

''(ii) in the case of a permanent penalty, if the final judgment, final exclusion order, or conviction upon which the permanent penalty is based is reversed on appeal or otherwise vacated, not later than 45 days after the date of the reversal or vacatur.

''(B) CONTENTS OF PETITION.—

''(i) IN GENERAL.—An offending foreign person shall include in a petition submitted under subparagraph (A) a full written statement in support of the position of the offending foreign person, including a precise statement of why—

''(I) an insufficient basis exists for the penalty; or

''(II) the circumstances resulting in the penalty no longer apply.

''(ii) REMEDIAL STEPS.—An offending foreign person may, in a petition submitted under subparagraph (A), propose remedial steps that would negate the basis for the penalty.

''(C) DETERMINATION.—The Attorney General or the head of a designated Federal agency, as applicable, shall make a determination with respect to a petition submitted under subparagraph (A).

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and each year thereafter, the Attorney General, in coordination with the head of each designated Federal agency, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

''(A) with respect to the preceding year—

''(i) identifies foreign countries, state-owned and state-controlled entities, and other persons that engaged in the misappropriation of trade secrets owned by United States persons;

''(ii) describes any strategy used by a foreign country to undertake misappropriation of trade secrets owned by United States persons;

''(iii) identifies categories of technologies developed by, or trade secrets owned by, United States persons that were targeted for misappropriation;

''(iv) lists legal actions taken under section 1836 of this title, section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), or section 1831 or 1832 of this title—

''(I) against an offending foreign person who misappropriated a trade secret owned by a United States person; and

''(II) as a result of which the products of the offending foreign person described in subclause (I) may never enter the United States; and

''(v) describes progress made in decreasing the prevalence of misappropriation of trade secrets owned by United States persons; and

''(B) recommends strategies to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives to decrease the misappropriation by foreign persons of trade secrets owned by United States persons.

''(2) FORM OF REPORT.— A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 90 of title 18, United States Code, is amended by adding at the end the following:

''1840. Applicability to foreign persons.''.

TITLE III—COMBATING CYBERCRIME

SEC. 7301. SHORT TITLE.

This title may be cited as the ''International Cybercrime Prevention Act''.

SEC. 7302. PREDICATE OFFENSES.

Part I of title 18, United States Code, is amended—

(1) in section 1956(c)(7)(D)—

(A) by striking ''or section 2339D'' and inserting ''section 2339D''; and

(B) by striking ''of this title, section 46502'' and inserting '', or section 2512 (relating to the manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices) of this title, section 46502''; and

(2) in section 1961(1), by inserting ''section 1030 (relating to fraud and related activity in connection with computers) if the act indictable under section 1030 is felonious,'' before ''section 1084''.

SEC. 7303. FORFEITURE.

(a) IN GENERAL.—Section 2513 of title 18, United States Code, is amended to read as follows:

''SEC. 2513. CONFISCATION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATION INTERCEPTING DEVICES AND OTHER PROPERTY.

''(a) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of section 2511 or 2512, or convicted of conspiracy to violate section 2511 or 2512, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained or retained directly or indirectly as a result of such violation.

''(2) FORFEITURE PROCEDURES.—Pursuant to section 2461(c) of title 28, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) thereof, shall apply to criminal forfeitures under this subsection.

''(b) CIVIL FORFEITURE.—

''(1) IN GENERAL.—The following shall be subject to forfeiture to the United States in accordance with provisions of chapter 46 and no property right shall exist in them:

''(A) Any property, real or personal, used or intended to be used, in any manner, to commit, or facilitate the commission of a violation of section 2511 or 2512, or a conspiracy to violate section 2511 or 2512.

''(B) Any property, real or personal, constituting, or traceable to the gross proceeds taken, obtained, or retained in connection with or as a result of a violation of section 2511 or 2512, or a conspiracy to violate section 2511 or 2512.

''(2) FORFEITURE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 is amended by striking the item relating to section 2513 and inserting the following:

''2513. Confiscation of wire, oral, or electronic communication intercepting devices and other property.''.

SEC. 7304. SHUTTING DOWN BOTNETS.

(a) IN GENERAL.—Section 1345 of title 18, United States Code, is amended—

(1) in the heading, by inserting ''**AND ABUSE**'' after ''**FRAUD**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by inserting ''or'' after the semicolon; and

(iii) by inserting after subparagraph (C) the following:

''(D) violating or about to violate section 1030(a)(5) of this title where such conduct has caused or would cause damage (as defined in section 1030) without authorization to 100 or more protected computers (as defined in section 1030) during any 1-year period, including by—

''(i) impairing the availability or integrity of the protected computers without authorization; or

''(ii) installing or maintaining control over malicious software on the protected computers that, without authorization, has caused or would cause damage to the protected computers;''; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', a violation described in subsection (a)(1)(D),'' before ''or a Federal''; and

(3) by adding at the end the following:

''(c) A restraining order, prohibition, or other action described in subsection (b), if issued in circumstances described in subsection (a)(1)(D), may, upon application of the Attorney General—

''(1) specify that no cause of action shall lie in any court against a person for complying with the restraining order, prohibition, or other action; and

''(2) provide that the United States shall pay to such person a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in complying with the restraining order, prohibition, or other action.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by striking the item relating to section 1345 and inserting the following:

''1345. Injunctions against fraud and abuse.''.

SEC. 7305. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''§ 1030A. Aggravated damage to a critical infrastructure computer

''(a) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer, if such damage results in (or, in the case of an attempted offense, would, if completed, have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with such computer.

''(b) PENALTY.—Any person who violates subsection (a) shall, in addition to the term of punishment provided for the felony violation of section 1030, be fined under this title, imprisoned for not more than 20 years, or both.

''(c) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place any person convicted of a violation of this section on probation;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation of section 1030;

''(3) in determining any term of imprisonment to be imposed for the felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such violation to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, if such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'computer' and 'damage' have the meanings given the terms in section 1030; and

''(2) the term 'critical infrastructure' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have catastrophic regional or national effects on public health or safety, economic security, or national security, including voter registration databases, voting machines, and other communications systems that manage the election process or report and display results on behalf of State and local governments.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. 7306. STOPPING TRAFFICKING IN BOTNETS; FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

''(2)(A) intentionally accesses a computer without authorization or exceeds authorized access, and thereby obtains information, if—

''(i) the conduct was undertaken in furtherance of any felony violation of the laws of the United States or of any State, unless an element of such violation would require proof that the information was obtained without authorization or in excess of authorization; or

''(ii) the protected computer is owned or operated by or on behalf of a State or local governmental entity responsible for the administration of justice, public health, or safety, or owned or operated by or on behalf of the United States Government; or

''(B) intentionally accesses a computer without authorization, and thereby obtains information from any protected computer;'';

(B) by striking paragraph (6) and inserting the following:

''(6) knowing such conduct to be wrongful, intentionally traffics in any password or similar information, or any other means of access, further knowing or having reason to know that a protected computer would be accessed or damaged without authorization in a manner prohibited by this section as the result of such trafficking;'';

(C) in paragraph (7), by adding ''or'' at the end; and

(D) by inserting after paragraph (7) the following:

''(8) intentionally traffics in the means of access to a protected computer, if—

''(A) the trafficker knows or has reason to know the protected computer has been damaged in a manner prohibited by this section; and

''(B) the promise or agreement to pay for the means of access is made by, or on behalf of, a person the trafficker knows or has reason to know intends to use the means of access to—

''(i) damage a protected computer without authorization; or

''(ii) violate section 1037 or 1343;'';

(2) in subsection (c)—

(A) in paragraph (2), by striking '', (a)(3), or (a)(6)'' each place it appears and inserting ''or (a)(3)'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''(a)(4) or (a)(7)'' and inserting ''(a)(4), (a)(7), or (a)(8)''; and

(ii) in subparagraph (B), by striking ''(a)(4), or (a)(7)'' and inserting ''(a)(4), (a)(7), or (a)(8)''; and

(C) in paragraph (4)—

(i) in subparagraph (C)(i), by striking ''or an attempt to commit an offense''; and

(ii) in subparagraph (D), by striking clause (ii) and inserting the following:

''(ii) an offense, or an attempt to commit an offense, under subsection (a)(6);'';

(3) in subsection (e)—

(A) by striking paragraph (6) and inserting the following:

''(6) the term 'exceeds authorized access' means—

''(A)(i) to access a computer with authorization and thereby to knowingly obtain information from such computer that the accessor is not entitled to obtain; or

''(ii) to knowingly obtain any information from such computer for a purpose that is prohibited by the computer owner; and

''(B) provided that the limitation on access to or use of the information is not based solely on the terms governing use of an online service by customers or subscribers thereof, including terms set forth in an acceptable use policy or terms of service;'';

(B) by striking paragraph (10);

(C) by redesignating paragraphs (11) and (12) as paragraphs (10) and (11), respectively;

(D) in paragraph (10), as so resdesignated, by striking ''and'';

(E) in paragraph (11), as so redesignated, by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(12) the term 'online service'—

''(A) means an electronic communication service (as defined in section 2510) to the public, a remote computing service (as defined in section 2711), or other service that provides content or computing services to the public over the Internet; and

''(B) does not include an enterprise service;

''(13) the term 'enterprise service' means any electronic communication service (as defined in section 2510) to the public, remote computing service (as defined in section 2711), or other service that provides content or computing services to the public for which the user, customer, or subscriber has paid, or on whose behalf has been paid, more than $10,000 in a calendar year in exchange for the right to access or use the service; and

''(14) the term 'traffic', except as provided in subsection (a)(6), means transfer, or otherwise dispose of, to another as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value.'';

(4) in subsection (g), in the first sentence, by inserting '', except for a violation of subsection (a)(6),'' after ''of this section''; and

(5) by striking subsections (i) and (j) and inserting the following:

''(i) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained or retained, directly or indirectly, as a result of such violation.

''(2) FORFEITURE PROCEDURES.—Pursuant to section 2461(c) of title 28, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) thereof, shall apply to criminal forfeitures under this subsection.

''(j) CIVIL FORFEITURE.—

''(1) IN GENERAL.—The following shall be subject to forfeiture to the United States in accordance with chapter 46, and no property right shall exist in them:

''(A) Any property, real or personal, used or intended to be used, in any manner—

''(i) to commit, or facilitate the commission of, a violation of this section; or

''(ii) in a conspiracy to violate this section.

''(B) Any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained in connection with or as a result of—

''(i) a violation of this section; or

''(ii) a conspiracy to violate this section.

''(2) FORFEITURE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 that apply to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7431(e)(3) of the Internal Revenue Code of 1986 is amended by striking ''subparagraph (B)'' and inserting ''subparagraph (B)(iii)''.

TITLE IV—ESPIONAGE, THEFT OF TRADE SECRETS, AND IMPROPER INTERFERENCE IN UNITED STATES ELECTIONS

SEC. 7401. ESPIONAGE, THEFT OF TRADE SECRETS, THEFT OF INTELLECTUAL PROPERTY, INVOLVEMENT IN COMMERCIAL FRAUD SCHEMES, AND IMPROPER INTERFERENCE IN UNITED STATES ELECTIONS.

(a) DEFINITIONS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53)(A) The term 'espionage' means conduct—

''(i) in violation of—

''(I) the Act of June 15, 1917 (40 Stat. 217, chapter 30) (commonly known as the 'Espionage Act of 1917');

''(II) chapter 90 of title 18, United States Code (commonly known as the 'Economic Espionage Act of 1996'); or

''(III) any other Federal criminal law relating to an activity described in clause (ii); or

''(ii)(I) by an alien who is under the direction of—

''(aa) a foreign government; or

''(bb) an intermediary individual or entity that seeks to serve, support, or benefit a foreign government; and

''(II) with respect to confidential information, that constitutes—

''(aa) stealing or, without authorization, appropriating, taking, carrying away, concealing, or, by fraud, artifice, or deception, obtaining such information;

''(bb) without authorization, copying, duplicating, sketching, drawing, photographing, downloading, uploading, altering, destroying, photocopying, replicating, transmitting, delivering, sending, mailing, communicating, or conveying such information; or

''(cc) receiving, buying, or possessing such information, knowing that the information has been stolen or appropriated, obtained, or converted without authorization.

''(B) The term 'espionage' includes economic espionage.

''(54) The term 'improper interference in a United States election' means conduct by an alien that—

''(A)(i) violates Federal criminal, voting rights, or campaign finance law; or

''(ii) is under the direction of—

''(I) a foreign government; or

''(II) an intermediary individual or entity that seeks to serve, support, or benefit a foreign government; and

''(B) interferes with a general or primary Federal, State, or local election or caucus, including—

''(i) the campaign of a candidate; and

''(ii) a ballot measure, including—

''(I) an amendment;

''(II) a bond issue;

''(III) an initiative;

''(IV) a recall;

''(V) a referral; and

''(VI) a referendum.

''(55) The term 'theft of a trade secret' means conduct—

''(A) in violation of—

''(i) chapter 90 of title 18, United States Code (commonly known as the 'Economic Espionage Act of 1996'); or

''(ii) any other Federal criminal law relating to an activity described in subparagraph (B); or

''(B)(i) by an alien who is under the direction of—

''(I) a foreign government; or

''(II) an intermediary individual or entity that seeks to serve, support, or benefit a foreign government; and

''(ii) with respect to a trade secret relating to a product or service used or intended for use in interstate or foreign commerce, that constitutes—

''(I) stealing or, without authorization, appropriating, taking, carrying away, concealing, or, by fraud, artifice, or deception, obtaining such trade secret for the economic benefit of any person other than the owner of the trade secret;

''(II) without authorization, copying, duplicating, sketching, drawing, photographing, downloading, uploading, altering, destroying, photocopying, replicating, transmitting, delivering, sending, mailing, communicating, or conveying such trade secret; or

''(III) receiving, buying, or possessing such trade secret, knowing that the trade secret has been stolen or appropriated, obtained, or converted without authorization.''.

(b) INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(H) ESPIONAGE AND THEFT OF TRADE SECRETS.—An alien is inadmissible if a consular officer, the Secretary of Homeland Security, the Secretary of State, or the Attorney General knows, or has reasonable grounds to believe—

''(i) the alien is seeking admission or sought admission to the United States to engage in espionage or theft of a trade secret;

''(ii) the alien has engaged or intends to engage in espionage or theft of a trade secret; or

''(iii) the affiliation or activities of the alien with, or the control of the alien by, an individual, an entity, or a funding mechanism known or reasonably believed to be engaged in, or to have the intention of engaging in, espionage or theft of a trade secret.

''(I) IMPROPER INTERFERENCE IN A UNITED STATES ELECTION.—Any alien who a consular officer, the Secretary of Homeland Security, the Secretary of State, or the Attorney General knows, or has reasonable grounds to believe, is seeking admission to the United States to engage in improper interference in a United States election, or who has engaged in improper interference in a United States election, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by adding at the end the following:

''(8) ESPIONAGE AND THEFT OF TRADE SECRETS.—Any alien who has engaged, is engaged, or at any time after admission engages in espionage or theft of a trade secret is deportable.

''(9) IMPROPER INTERFERENCE IN A UNITED STATES ELECTION.—Any alien who has engaged, is engaged, or at any time after admission engages in improper interference in a United States election is deportable.''.

SEC. 7402. VISA AND NONIMMIGRANT STATUS RESTRICTIONS.

(a) PERIOD OF AUTHORIZED STAY FOR CERTAIN CITIZENS AND NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 214(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(2)) is amended by adding at the end the following:

''(C)(i) The period of authorized stay for a citizen or national of the People's Republic of China who seeks admission to the United States as a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) to study, research, teach, or work in any field described in the most recent technology alert list of the Department of State or in section 221(j)(1)—

''(I) shall be—

''(aa) a fixed period of not more than 4 years; or

''(bb) the length of the program identified on the Form I–20, Certificate of Eligibility for Nonimmigrant Student Status, or the Form DS–2019, Certificate of Eligibility for Exchange Visitor Status, as applicable, of such citizen or national of the People's Republic of China; and

''(II) may be extended by the Secretary of Homeland Security for 1 or more additional periods of not more than 2 years.

''(ii) This subparagraph shall not apply to any national of Hong Kong or Macau.''.

(b) PROHIBITION ON ISSUANCE OF VISAS TO CERTAIN CITIZENS AND NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 221 of the Immigration and Nationality Act (8 U.S.C. 1201) is amended by adding at the end the following:

''(j) PROHIBITION ON ISSUANCE OF VISAS TO CERTAIN CITIZENS AND NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—

''(1) IN GENERAL.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall not admit into the United States, or grant a change of nonimmigrant status to, an alien who is a citizen or national of the People's Republic of China if the Secretary of State or the Secretary of Homeland Security determines that the alien—

''(A) presents a risk to national security; or

''(B) otherwise seeks to enter the United States to participate in graduate-level coursework or research at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in a field described in paragraph (2).

''(2) FIELDS DESCRIBED.—The fields described in this paragraph are—

''(A) the military or intelligence sector;

''(B) the energy sector;

''(C) nuclear science or nuclear engineering;

''(D) high-end numerical control machinery and robotics;

''(E) autonomous systems or machine learning;

''(F) artificial intelligence;

''(G) production and application of high-performance medical devices;

''(H) semiconductors;

''(I) new energy vehicles;

''(J) mobile phone technology;

''(K) next-generation information technology;

''(L) aviation, aeronautics, or space;

''(M) biomedicine; and

''(N) any related field, as determined by the Secretary of State or the Secretary of Homeland Security.

''(3) TERMINATION OF STATUS.—

''(A) IN GENERAL.—With respect to an alien who is a citizen or national of the People's Republic of China who has been admitted to the United States as a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15), the Secretary of Homeland Security shall terminate the status and employment authorization of, and revoke any petition approval of or on behalf of, the alien if the Secretary determines that after such admission the alien—

''(i) has engaged in an activity or affiliation that presents a risk to national security; or

''(ii) has changed his or her program, course of study, research, or employment to graduate-level coursework or research at an institution of higher education in a field described in paragraph (2).

''(B) FAILURE TO MAINTAIN NONIMMIGRANT STATUS.—Any change or attempted change described in subparagraph (A) shall be considered to be a failure to maintain nonimmigrant status under this Act.

''(4) INAPPLICABILITY TO NATIONALS OF HONG KONG AND MACAU.—This subsection shall not apply to any national of Hong Kong or Macau.''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to—

(1) any visa application filed on or after the date of the enactment of this Act; and

(2) the status of any alien, except for a national of Hong Kong or Macau, who—

(A) is a citizen or national of the People's Republic of China, regardless of the country of the passport presented by, or the country of residence of, the alien;

(B) before, on, or after the date of the enactment of this Act, has been or is admitted to the United States as a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(C) has changed or changes his or her program, course of study, research, or employment to graduate-level coursework or research at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in a

field described in section 221(j)(1) of the Immigration and Nationality Act (as added by subsection (b)).

TITLE V—GOVERNMENT-FUNDED RESEARCH PROJECTS

SEC. 7501. FINDINGS.

Congress find the following:

(1) The People's Republic of China (referred to in this subsection as ''the PRC'' or ''China'') poses an existential threat to the economic interests and national security of the United States, in part due to the continued efforts of the PRC to steal sensitive technology and proprietary information from companies, academic institutions, and other organizations of the United States through economic espionage and other forms of nontraditional espionage.

(2) The PRC, through the Chinese Communist Party (referred to in this subsection as the ''CCP''), has long had an interest in replacing the United States as the world's foremost superpower. China takes a holistic approach towards achieving its long-term goals, which are rooted in the concept of a comprehensive national power, including achieving dominance in economics, military affairs, science and technology, education, and global influence.

(3) Nontraditional forms of espionage serve as primary tools to further the goals of the CCP. Those tools include talent recruitment programs designed to recruit Chinese nationals to acquire knowledge about—and, often, steal—valuable and sensitive research at universities and research institutions abroad, and to lure foreign experts to China to work on key strategic programs. More broadly, the PRC uses mergers and acquisitions or joint ventures as a means to gain access to high-level technology, uses cyber intrusions to steal information, and uses front companies for PRC-related entities to acquire export-controlled technology.

(4) In 2015, President Xi Jinping of the PRC released the ''Made in China 2025'' initiative, a 10-year plan to update the manufacturing base of China by developing the following 10 high-tech industries:

(A) Electric cars and other new energy vehicles.

(B) Next-generation information technology and telecommunications.

(C) Advanced robotics and artificial intelligence.

(D) Aerospace equipment.

(E) Bio-medicine and high-end medical equipment.

(F) Ocean engineering equipment and high-end vessels.

(G) High-end rail transportation equipment.

(H) Electrical equipment.

(I) Farming machines.

(J) New materials, such as polymers.

(5) In attempting to overtake the United States and achieve its Made in China 2025 goals, China has systematically sought to identify areas of American innovation, education, and technology that could be replicated, stolen, or appropriated.

(6) The very nature of the open society of the United States—a free market economy that incentivizes creativity and ingenuity and promotes the free flow of capital and ideas, a higher education system and scientific research community that encourages collaboration domestically and internationally, and a liberal democratic government that lacks a top-down, authoritarian structure—creates opportunities for the PRC to target the United States in ways that are either not adequately protected or not even anticipated as possible threats.

(7) The Director of the Federal Bureau of Investigation has assessed that ''there's no country that's even close'' to the PRC when it comes to foreign espionage, in traditional or nontraditional forms.

(8) As the 2018 Foreign Economic Espionage in Cyberspace report of the National Counterintelligence and Security Center (commonly known as the ''NCSC'') stated, China has expansive efforts in place to acquire United States technology, including sensitive trade secrets and proprietary information. China continues to use cyber espionage to support its strategic development goals—science and technology advancement, military modernization, and economic policy objectives. Chinese companies and individuals often acquire United States technology for commercial and scientific purposes.

(9) In April 2020, the Office of the United States Trade Representative (referred to in this subsection as the ''USTR'') issued its annual Special 301 Report, in which the USTR reviews the state of intellectual property protection and enforcement in trading partners of the United States around the world. The USTR continues to place China on the Priority Watch List, which reflects ''United States concerns with China's system of pressuring and coercing technology transfer, and the continued need for fundamental structural changes to strengthen IP protection and enforcement, including as to trade secret theft, obstacles to protecting trademarks, online piracy and counterfeiting, the high-volume manufacturing and export of counterfeit goods, and impediments to pharmaceutical innovation.''.

(10) The theft of intellectual property, trade secrets, sensitive technology, and scientific and other academic research all contribute to China's goal of achieving preeminent superpower status. China's failure to respect intellectual property rights, failure to adhere to the rule of law, and efforts to obtain intellectual property, trade secrets, technology, and research through improper or illicit means all pose a significant economic and national security threat to the United States.

(11) In recent years, China has increased its use of nontraditional espionage to target colleges and universities in the United States, particularly with respect to cutting edge research and technologies being developed by such universities, including technology that has military applications.

(12) The universities of the United States provide fertile ground for nontraditional espionage given the open, international, and collaborative nature of most university research and the legitimate interest of universities in encouraging international collaboration.

(13) While the United States benefits from attracting the top research talent from around the world, universities nevertheless must take appropriate measures to ensure that China is not able to use academic collaboration to steal United States intellectual property or engage in other activities that might harm the national security of the United States.

(14) In response to the increased wave of nontraditional espionage over recent years, the Department of Justice launched a China Initiative in 2018. The goal of the China Initiative is to identify and prosecute individuals and entities engaged in economic and other nontraditional espionage, trade secret theft, hacking, and other crimes, while protecting critical infrastructure against external threats and combating covert efforts to influence the American public.

(15) Several recent criminal and civil enforcement actions taken by the Department of Justice highlight China's pervasive and illegal targeting of intellectual property and valuable research from United States universities, including the following:

(A) Dr. Qing Wang was a former employee of the Cleveland Clinic Foundation. He had received more than $3,000,000 in grant funding from the National Institutes of Health (commonly known as ''NIH''). Dr. Wang was charged in a criminal complaint with knowingly failing to disclose to NIH that he was Dean of the College of Life Sciences and Technology at the Huazhong University of Science and Technology (referred to in this subparagraph as ''HUST'') and received grant funds from the National Natural Science Foundation of China for some of the same scientific research funded by NIH. Dr. Wang also allegedly participated in the Thousand Talents Program, for which China provided $3,000,000 in research support to enhance the facilities and operations at HUST. Federal law enforcement agencies arrested Dr. Wang in May 2020.

(B) Dr. James Patrick Lewis was a tenured professor at West Virginia University in the physics department from 2006 to 2019. In July 2017, Dr. Lewis entered into a contract of employment with the PRC through its Global Experts Thousand Talents Plan. In March 2020, Dr. Lewis pled guilty to 1 count of Federal program fraud.

(C) Anming Hu, an Associate Professor in the Department of Mechanical, Aerospace, and Biomedical Engineering at the University of Tennessee, Knoxville (commonly known as ''UT''), allegedly engaged in a scheme to defraud the National Aeronautics and Space Administration (commonly known as ''NASA'') by concealing his affiliation with Beijing University of Technology (referred to in this subparagraph as ''BJUT''). Hu's false representations to UT about his affiliation with BJUT caused UT to falsely certify to NASA that UT was in compliance with Federal law. In February 2020, Mr. Hu was indicted on Federal charges of wire fraud and false statements.

(D) Dr. Charles Lieber served as the Principal Investigator of the Lieber Research Group at Harvard University, which specialized in the area of nanoscience. Dr. Lieber had received more than $15,000,000 in grant funding from NIH and the Department of Defense since 2008. Unbeknownst to Harvard University, beginning in 2011, Lieber allegedly became a ''Strategic Scientist'' at Wuhan University of Technology in China (referred to in this subparagraph as ''WUT'') and was a contractual participant in the Thousand Talents Plan from 2012 to 2017. Under the terms of the Thousand Talents contract, WUT paid Lieber $50,000 per month, paid him living expenses of up to approximately $158,000, and awarded him more than $1,500,000 to establish a research lab at WUT. In return, Lieber was obligated to work for WUT for 9 months per year. Lieber lied about his involvement with WUT to both Harvard University and Federal investigators. In January 2020, Lieber was arrested and charged with making a materially false, fictitious and fraudulent statement.

(E) In January 2020, Yanqing Ye, a Chinese national, Lieutenant of the People's Liberation Army (referred to in this subparagraph as the ''PLA''), and member of the CCP, was indicted on visa fraud, false statements, and acting as an agent of a foreign power without prior notification. Ye allegedly falsely identified as a student and lied about her ongoing military service at the National University of Defense Technology. While studying at Boston University's Department of Physics, Chemistry, and Biomedical Engineering, Ye continued to work as a PLA Lieutenant and completed assignments from PLA officers, including conducting research, assessing United States military websites, and sending United States documents and information to China.

(F) In January 2020, Zaoson Zheng, a Chinese national, was arrested at Logan Airport in Boston and charged with attempting to smuggle 21 vials of biological research to China. Zheng had allegedly entered the United States in 2018 on a J–1 visa and conducted cancer cell research at Beth Israel Deaconess Medical Center in Boston. Zheng admitted he stole the vials from a lab at Beth Israel, and that he intended to bring the vials to China, use them to conduct research in his own laboratory, and publish the results under his own name.

(G) In December 2019, the Van Andel Research Institute (referred to in this subparagraph as ''VARI'') reached a settlement with the Department of Justice to pay $5,500,000 to resolve allegations that it violated the law commonly known as the False Claims Act (section 3729 through 3733 of title 31, United States Code) by failing to disclose, in Federal grant applications and progress reports submitted to NIH, that the Chinese government funded 2 VARI researchers through grants. The VARI researchers were receiving research funding from Chinese sources while VARI was applying for and receiving NIH funding on their behalf.

(H) In September 2019, Yu Zhou and Li Chen were charged with crimes related to stealing exosome-related trade secrets. Zhou and Chen, spouses who worked in separate medical research labs at the Nationwide Children's Hospital Research Institute, conspired to steal scientific trade secrets related to exosomes and exosome isolation from the Research Institute. The couple allegedly founded a company in China without the hospital's knowledge. While employed at the Research Institute, they marketed products and services related to exosome isolation through their Chinese company. They also founded an American biotechnology company advertising products and services related to exosomes isolation, including a kit developed from a trade secret created at a Nationwide Children's research lab. They eventually received more than $876,000 and stock related to an asset purchase agreement involving the American company.

(I) In August 2019, Feng Tao, an associate professor at Kansas University, was indicted on Federal charges for concealing the fact that he was a full-time employee for Fuzhou University in China while doing research at Kansas University funded by the United States Government. Tao allegedly defrauded the United States Government by unlawfully receiving Federal grant money at the same time that he was employed and paid by a Chinese research university.

(J) Weiqiang Zhang, a Chinese national and United States legal permanent resident, acquired, without authorization, hundreds of rice seeds produced by his employer, Ventria Bioscience. Ventria is a Kansas biopharmaceutical research facility that develops genetically programmed rice to express recombinant human proteins, which are then extracted for use in the therapeutic and medical fields. Ventria spent millions of dollars and years of research developing its seeds and cost-effective methods to extract the proteins. Ventria used locked doors with magnetic card readers to restrict access to the temperature-controlled environment where the seeds were stored and processed. Zhang worked as a rice breeder for Ventria. In 2013, personnel from a crop research institute in China visited Zhang at his home in Kansas. Zhang drove the visitors to tour facilities in several States. United States Customs and Border Protection officers found seeds belonging to Ventria in the luggage of Zhang's visitors as they prepared to leave the United States for China. In April 2018, Zhang was sentenced to 121 months in a Federal prison after having been convicted in February 2017 of 1 count of conspiracy to steal trade secrets, 1 count of conspiracy to commit interstate transportation of stolen property, and 1 count of interstate transportation of stolen property.

(16) It remains a national security priority for the United States to protect the research and innovation developed in United States colleges and universities from misappropriation by any country, including the PRC.

SEC. 7502. DEFINITIONS.

In this title:

(1) AGENCY HEAD.—The term ''agency head'', with respect to a covered research project, means the head of the covered agency providing the funding for the covered research project.

(2) COVERED AGENCY.—The term ''covered agency'' means—

(A) the Department of Defense;

(B) the Department of Energy; and

(C) an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) COVERED COUNTRY.—The term ''covered country'' means—

(A) the People's Republic of China; and

(B) any other country designated by the Director, based on findings similar to the findings under subsection (a), which shall include consideration of—

(i) whether the country poses an existential threat to the economic interests and national security of the United States;

(ii) whether the country engages in persistent efforts to steal sensitive technology and proprietary information from companies, academic institutions, and other organizations of the United States through economic espionage and other forms of nontraditional espionage;

(iii) whether nontraditional forms of espionage serve as primary tools to further the goals of the country;

(iv) whether the nontraditional forms of espionage described in clause (iii) include—

(I) talent recruitment programs designed to recruit the country's nationals to acquire knowledge about—and, often, steal—valuable and sensitive research at universities and research institutions abroad;

(II) luring foreign experts to the country to work on key strategic programs;

(III) using mergers and acquisitions or joint ventures as a means to gain access to high-level technology;

(IV) using cyber intrusions to steal information; and

(V) using front companies for state-affiliated entities to acquire export-controlled technology;

(v) whether the country has systematically sought to identify areas of United States innovation, education, and technology that could be replicated, stolen, or appropriated; and

(vi) whether the Office of the United States Trade Representative has placed the country on the Priority Watch List.

(4) COVERED PERSON.—The term ''covered person'' means an individual or institution of higher education that has a financial relationship with—

(A) a covered country;

(B) a political party within a covered country;

(C) a person who acts as an agent, representative, employee, or servant of a covered country; or

(D) a person who acts in any other capacity at the order or request, or under the direction or control, of a covered country.

(5) COVERED RESEARCH PROJECT.—The term ''covered research project'' means a research project at an institution of higher education—

(A) that is funded in whole or in part by a covered agency; and

(B) the subject of which is—

(i) an item subject to the Export Control Reform Act of 2018 (20 U.S.C. 4801 et seq.);

(ii) an item listed on the Commerce Control List (commonly known as the ''CCL'') set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations; or

(iii) an item listed on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(6) DIRECTOR.—The term ''Director'' means the Director of National Intelligence.

(7) FINANCIAL RELATIONSHIP.—The term ''financial relationship'' means—

(A) any arrangement under which compensation is provided, directly or indirectly, by a covered country, or another entity or person described in subparagraph (B), (C), or (D) of paragraph (4), to—

(i) a covered person; or

(ii) an institution of higher education; or

(B) any direct or indirect ownership or investment interest by a covered country, or another entity or person described in subparagraph (B), (C), or (D) of paragraph (4), in an institution of higher education.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 7503. APPROVAL OF COVERED PERSONS IN SENSITIVE GOVERNMENT-FUNDED RESEARCH PROJECTS.

(a) APPROVAL REQUIRED.—

(1) IN GENERAL.—A covered person may not participate in a covered research project unless the covered person applies for and receives approval from the agency head to participate.

(2) REQUIREMENTS.—An agency head may not approve a covered person to participate in a covered research project unless the agency head—

(A) performs a background check on the covered person in consultation with the Director; and

(B) collects any other relevant information about the covered person that the agency head determines appropriate, except any information pertaining to United States persons that the agency head is prohibited by law from collecting.

(b) PENALTY.—If an agency head determines that a covered person participating in a covered research project commenced on the date of enactment of this section has violated subsection (a), the agency head may—

(1) impose a probationary period, not to exceed 6 months, on the head of the project or the project;

(2) reduce, limit, or eliminate the funding for the project until the violation is remedied;

(3) permanently eliminate the funding for the project; or

(4) take any other action determined appropriate by the agency head.

SEC. 7504. DISCLOSURE OF RESEARCH ASSISTANCE FROM FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Chapter 45 of title 18, United States Code, is amended by inserting after section 951 the following:

''§ 951A. Disclosure of research assistance from foreign governments

''(a) DEFINITIONS.—In this section—

''(1) the terms 'agent of a foreign principal' and 'foreign principal' have the meanings given those terms in section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611);

''(2) the term 'covered research project' has the meaning given the term in section 7502 of the Combating Chinese Purloining of Trade Secrets Act; and

''(3) the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(b) FUNDING AND OTHER ASSISTANCE.—

''(1) FAILURE TO DISCLOSE FOREIGN FUNDING.—

''(A) OFFENSE.—It shall be unlawful for a person, while applying for or accepting a grant or other funding from an agency of the United States for a covered research project, to knowingly and willfully fail to disclose to the agency any grant or other funding that the person has received or will receive for the same project from a foreign principal or an agent of a foreign principal, including through an intermediary.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined under this title, imprisoned for not more than 3 years, or both.

''(2) FAILURE TO DISCLOSE MATERIAL FACTS.—

''(A) OFFENSE.—It shall be unlawful for a person, while applying for or accepting a grant or other funding from an agency of the United States for a covered research project, to knowingly and willfully fail to disclose to the agency a material fact relating to a connection between a foreign country and the project that might substantially impact the decision of the agency to provide funding to the project, including the fact that a person providing any assistance, including financial assistance, to the project is—

''(i) a national of a foreign country;

''(ii) affiliated with an institution comparable to an institution of higher education of higher learning, or another organization, that is headquartered in or substantially funded by a foreign country; or

''(iii) engaging in research activities for the project in a foreign country.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(3) INSTITUTIONS OF HIGHER EDUCATION.—Any institution of higher education that knowingly and willfully fails to disclose to the appropriate agency of the United States that an officer, agent, or employee of the institution of higher education violated this subsection shall be fined not more than $1,000,000 for each such violation.

''(c) TRANSMISSION OF INFORMATION.—

''(1) OFFENSE.—It shall be unlawful for any person, while applying for or accepting a grant or other funding from an agency of the United States for a covered research project, to knowingly transmit or attempt to transmit information gained in violation of a contract to which the person is a party, including a contract regarding nondisclosure of information, employment, or the provision of goods or services, intending or knowing that the transmission will benefit a foreign principal or an agent of a foreign principal.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 10 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 18, United States Code, is amended by inserting after the item relating to section 950 the following:

''951A. Disclosure of research assistance from foreign governments.''.

SA 1947. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike 2510 of division B and insert the following:

SEC. 2510. COUNTRY OF ORIGIN LABELING ONLINE ACT.

(a) MANDATORY ORIGIN AND LOCATION DISCLOSURE FOR PRODUCTS OFFERED FOR SALE ON THE INTERNET.—

(1) IN GENERAL.—

(A) DISCLOSURE.—It shall be unlawful for a product that is required to be marked under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or its implementing regulations to be introduced, sold, advertised, or offered for sale in commerce on an internet website unless the internet website description of the product—

(i)(I) indicates in a conspicuous place the country of origin of the product (or, in the case of multi-sourced products, countries of origin), in a manner consistent with the regulations prescribed under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) and the country of origin marking regulations administered by U.S. Customs and Border Protection; and

(II) includes, in the case of—

(aa) a new passenger motor vehicle (as defined in section 32304 of title 49, United States Code), the country of origin disclosure required by such section;

(bb) a textile fiber product (as defined in section 2 of the Textile Fiber Products Identification Act (15 U.S.C. 70b)), the country of origin disclosure required by such Act;

(cc) a wool product (as defined in section 2 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68)), the country of origin disclosure required by such Act;

(dd) a fur product (as defined in section 2 of the Fur Products Labeling Act (15 U.S.C. 69)), the country of origin disclosure required by such Act; and

(ee) a covered commodity (as defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638)), the country of origin information required by section 282 of such Act (7 U.S.C. 1638a); and

(ii) indicates in a conspicuous place the country in which the seller of the product is located (and, if applicable, the country in which any parent corporation of such seller is located).

(B) ADDITIONAL REQUIREMENT.—The disclosure of a product's country of origin required pursuant to subparagraph (A)(i) shall not be made in such a manner as to represent to a consumer that the product is in whole, or part, of United States origin, unless such disclosure is consistent with section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)) and any regulations promulgated by the Commission pursuant to section 320933 of the Violent Crime Control and Law Enforcement Act of 1994 (15 U.S.C. 45a), provided that no other Federal statute or regulation applies.

(C) LIMITATION.—The provisions of this paragraph shall not apply to a pharmaceutical product subject to the jurisdiction of the Food and Drug Administration.

(2) CERTAIN DRUG PRODUCTS.—It shall be unlawful for a drug that is not subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)) and that is required to be marked under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) to be offered for sale in commerce to consumers on an internet website unless the internet website description of the drug indicates in a conspicuous place the name and place of business of the manufacturer, packer, or distributor that is required to appear on the label of the drug in accordance with section 502(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(b)).

(3) OBLIGATION TO PROVIDE.—A manufacturer, distributor, seller, or private labeler seeking to have a product introduced, sold, advertised, or offered for sale in commerce shall provide the information identified in clauses (i) and (ii) of paragraph (1)(A) or paragraph (2), as applicable, to the relevant retailer or internet website marketplace.

(4) SAFE HARBOR.—A retailer or internet website marketplace satisfies the disclosure requirements under subparagraphs (i) and (ii) of paragraph (1)(A) or paragraph (2), as applicable, if the disclosure required under such clauses or paragraph (2), as applicable, includes the country of origin and seller information provided by a third-party manufacturer, distributor, seller, or private labeler of the product. If the retailer or internet website marketplace determines or has a reasonable basis to conclude that the information provided by a third-party manufacturer, distributor, seller, or private labeler to the retailer or internet website marketplace for a product is false or deceptive, the retailer or internet website marketplace shall not be required to disclose such false or deceptive information and shall be deemed to meet the disclosure requirements under such clauses (i) and (ii) or paragraph (2), as applicable, for that product.

(b) PROHIBITION ON FALSE AND MISLEADING REPRESENTATION OF UNITED STATES ORIGIN ON PRODUCTS.—

(1) UNLAWFUL ACTIVITY.—Notwithstanding any other provision of law, and except as provided for in paragraph (2), it shall be unlawful to make any false or deceptive representation that a product or its parts or processing are of United States origin in any labeling, advertising, or other promotional materials, or any other form of marketing, including marketing through digital or electronic means in the United States.

(2) DECEPTIVE REPRESENTATION.—For purposes of paragraph (1), a representation that a product is in whole, or in part, of United States origin is deceptive if, at the time the representation is made, such claim is not consistent with section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)) and any regulations promulgated by the Commission pursuant to section 320933 of the Violent Crime Control and Law Enforcement Act of 1994 (15 U.S.C. 45a), provided that no other Federal statute or regulation applies.

(3) LIMITATION OF LIABILITY.—A retailer or internet website marketplace is not in violation of this subsection if a third-party manufacturer, importer, distributor, or private labeler provided the retailer or internet website marketplace with a false or deceptive representation as to the country of origin of a product or its parts or processing.

(c) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) shall be treated as a violation of a rule prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall

be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.) as though all applicable terms and provisions of that Act were incorporated and made part of this section.

(C) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(3) INTERAGENCY AGREEMENT.—Not later than 6 months after the date of enactment of this division, the Commission, the U.S. Customs and Border Protection, and the Department of Agriculture shall—

(A) enter into a Memorandum of Understanding or other appropriate agreement for the purpose of providing consistent implementation of this section; and

(B) publish such agreement to provide public guidance.

(4) DEFINITION OF COMMISSION.—In this subsection, the term ''Commission'' means the Federal Trade Commission.

(d) EFFECTIVE DATE.—This section shall take effect 9 months after the date of the publication of the Memorandum of Understanding or agreement under subsection (c)(3).

SA 1948. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division F, insert the following:

Subtitle D—Slave-Free Business Certification Act of 2021

SEC. 6131. SHORT TITLE.

This subtitle may be cited as the ''Slave-Free Business Certification Act of 2021''.

SEC. 6132. REQUIRED REPORTING ON USE OF FORCED LABOR FROM COVERED BUSINESS ENTITIES.

(a) DEFINITIONS.—In this subtitle:

(1) COVERED BUSINESS ENTITY.—The term ''covered business entity'' means any issuer, as that term is defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)), that has annual, worldwide gross receipts that exceed $500,000,000.

(2) FORCED LABOR.—The term ''forced labor'' means any labor practice or human trafficking activity in violation of national and international standards, including—

(A) International Labor Organization Convention No. 182;

(B) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.); and

(C) any act that would violate the criminal provisions related to slavery and human trafficking under chapter 77 of title 18, United States Code, if the act had been committed within the jurisdiction of the United States.

(3) GROSS RECEIPTS.—The term ''gross receipts''—

(A) means the gross amount, including cash and the fair market value of other property or services received, gained in a transaction that produces business income from—

(i) the sale or exchange of property;

(ii) the performance of services; or

(iii) the use of property or capital; and

(B) does not include—

(i) repayment, maturity, or redemption of the principal of a—

(I) loan;

(II) bond;

(III) mutual fund;

(IV) certificate of deposit; or

(V) similar marketable instrument;

(ii) proceeds from—

(I) the issuance of a company's own stock; or

(II) the sale of treasury stock;

(iii) amounts received as the result of litigation, including damages;

(iv) property acquired by an agent on behalf of another party;

(v) Federal, State, or local tax refunds or other tax benefit recoveries;

(vi) certain contributions to capital;

(vii) income from discharge of indebtedness; or

(viii) amounts realized from exchanges of inventory that are not recognized under the Internal Revenue Code of 1986.

(4) ON-SITE SERVICE.—The term ''on-site service'' means any service work provided on the site of a covered business entity, including food service work and catering services.

(5) ON-SITE SERVICE PROVIDER.—The term ''on-site service provider'' means any entity that provides workers who perform, collectively, a total of not less than 30 hours per week of on-site services for a covered business entity.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(b) AUDIT AND REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, each covered business entity shall—

(A) conduct an audit of its supply chain, pursuant to the requirements of section 6133, to investigate the presence or use of forced labor by the covered business entity or its suppliers, including by direct suppliers, secondary suppliers, and on-site service providers of the covered business entity;

(B) submit a report to the Secretary containing the information described in paragraph (2) on the results of such audit and efforts of the covered business entity to eradicate forced labor from the supply chain and on-site services of the covered business entity; and

(C)(i) publish the report described in subparagraph (B) on the public website of the covered business entity, and provide a conspicuous and easily understood link on the homepage of the website that leads to the report; or

(ii) in the case of a covered business entity that does not have a public website, provide the report in written form to any consumer of the covered business entity not later than 30 days after the consumer submits a request for the report.

(2) REQUIRED REPORT CONTENTS.—Each report required under paragraph (1)(B) shall contain, at a minimum—

(A) a disclosure of the covered business entity's policies to prevent the use of forced labor by the covered business entity, its direct suppliers, and its on-site service providers;

(B) a disclosure of what policies or procedures, if any, the covered business entity uses—

(i) for the verification of product supply chains and on-site service provider practices to evaluate and address risks of forced labor and whether the verification was conducted by a third party;

(ii) to require direct suppliers and on-site service providers to provide written certification that materials incorporated into the product supplied or on-site services, respectively, comply with the laws regarding forced labor of each country in which the supplier or on-site service provider is engaged in business;

(iii) to maintain internal accountability standards and procedures for employees or contractors of the covered business entity failing to meet requirements regarding forced labor; and

(iv) to provide training on recognizing and preventing forced labor, particularly with respect to mitigating risks within the supply chains of products and on-site services of the covered business entity, to employees, including management personnel, of the covered business entity who have direct responsibility for supply chain management or on-site services;

(C) a description of the findings of each audit required under paragraph (1)(A), including the details of any instances of found or suspected forced labor; and

(D) a written certification, signed by the chief executive officer of the covered business entity, that—

(i) the covered business entity has complied with the requirements of this subtitle and exercised due diligence in order to eradicate forced labor from the supply chain and on-site services of the covered business entity;

(ii) to the best of the chief executive officer's knowledge, the covered business entity has found no instances of the use of forced labor by the covered business entity or has disclosed every known instance of the use of forced labor; and

(iii) the chief executive officer and any other officers submitting the report or certification understand that section 1001 of title 18, United States Code (popularly known as the ''False Statements Act''), applies to the information contained in the report submitted to the Secretary.

(c) REPORT OF VIOLATIONS TO CONGRESS.—Each year, the Secretary shall prepare and submit a report to Congress regarding the covered business entities that—

(1) have failed to conduct audits required under this subtitle for the preceding year or have been adjudicated in violation of any other provision of this subtitle; or

(2) have been found to have used forced labor, including the use of forced labor in their supply chain or by their on-site service providers.

SEC. 6133. AUDIT REQUIREMENTS.

(a) IN GENERAL.—Each audit conducted under section 6132(b)(1)(A) shall meet the following requirements:

(1) WORKER INTERVIEWS.—The auditor shall—

(A) select a cross-section of workers to interview that represents the full diversity of the workplace, and includes, if applicable, men and women, migrant workers and local workers, workers on different shifts, workers performing different tasks, and members of various production teams;

(B) if individuals under the age of 18 are employed at the facility of the direct supplier or on-site service provider, interview a representative group using age-sensitive interview techniques;

(C) conduct interviews—

(i) on-site and, particularly in cases where there are indications of egregious violations about which employees may hesitate to discuss at work, off-site of the facility and during non-work hours; and

(ii) individually or in groups (except for purposes of subparagraph (B));

(D) use audit tools to ensure that each worker is asked a comprehensive set of questions;

(E) collect from interviewed workers copies of the workers' pay stubs, in order to compare the pay stubs with payment records provided by the direct supplier;

(F) ensure that all worker responses are confidential and are never shared with management; and

(G) interview a representative of the labor organization or other worker representative organization that represents workers at the facility or, if no such organization is present, attempt to interview a representative from a local worker advocacy group.

(2) MANAGEMENT INTERVIEWS.—The auditor shall—

(A) interview a cross-section of the management of the supplier, including human resources personnel, production supervisors, and others; and

(B) use audit tools to ensure that managers are asked a comprehensive set of questions.

(3) DOCUMENTATION REVIEW.—The auditor shall—

(A) conduct a documentation review to provide tangible proof of compliance and to corroborate or find discrepancies in the information gathered through the worker and management interviews; and

(B) review, at a minimum, the following types of documents:

(i) Age verification procedures and documents.

(ii) A master list of juvenile workers.

(iii) Selection and recruitment procedures.

(iv) Contracts with labor brokers, if any.

(v) Worker contracts and employment agreements.

(vi) Introduction program materials.

(vii) Personnel files.

(viii) Employee communication and training plans, including certifications provided to workers including skills training, worker preparedness, government certification programs, and systems or policy orientations.

(ix) Collective bargaining agreements, including collective bargaining representative certification, descriptions of the role of the labor organization, and minutes of the labor organization's meetings.

(x) Contracts with any security agency, and descriptions of the scope of responsibilities of the security agency.

(xi) Payroll and time records.

(xii) Production capacity reports.

(xiii) Written human resources policies and procedures.

(xiv) Occupational health and safety plans and records including legal permits, maintenance and monitoring records, injury and accident reports, investigation procedures, chemical inventories, personal protective equipment inventories, training certificates, and evacuation plans.

(xv) Disciplinary notices.

(xvi) Grievance reports.

(xvii) Performance evaluations.

(xviii) Promotion or merit increase records.

(xix) Dismissal and suspension records of workers.

(xx) Records of employees who have resigned.

(xxi) Worker pay stubs.

(4) CLOSING MEETING WITH MANAGEMENT.—The auditor shall hold a closing meeting with the management of the covered business entity to—

(A) report violations and nonconformities found in the facility; and

(B) determine the steps forward to address and remediate any problems.

(5) REPORT PREPARATION.—The auditor shall prepare a full report of the audit, which shall include—

(A) a disclosure of the direct supplier's or on-site service provider's—

(i) documented processes and procedures that relate to eradicating forced labor; and

(ii) documented risk assessment and prioritization policies as such policies relate to eradicating forced labor;

(B) a description of the worker interviews, manager interviews, and documentation review required under paragraphs (1), (2), and (3);

(C) a description of all violations or suspected violations by the direct supplier of any forced labor laws of the United States or, if applicable, the laws of another country as described in section 6132(b)(2)(B)(ii); and

(D) for each violation described in subparagraph (C), a description of any corrective and protective actions recommended for the direct supplier consisting of, at a minimum—

(i) the issues relating to the violation and any root causes of the violation;

(ii) the implementation of a solution; and

(iii) a method to check the effectiveness of the solution.

(b) ADDITIONAL REQUIREMENTS RELATING TO AUDITS.—Each covered business entity shall include, in any contract with a direct supplier or on-site service provider, a requirement that—

(1) the supplier or provider shall not retaliate against any worker for participating in an audit relating to forced labor; and

(2) worker participation in an audit shall be protected through the same grievance mechanisms available to the worker available for any other type of workplace grievance.

SEC. 6134. ENFORCEMENT.

(a) CIVIL DAMAGES.—The Secretary may assess civil damages in an amount of not more than $100,000,000 if, after notice and an opportunity for a hearing, the Secretary determines that a covered business entity has violated any requirement of section 6132(b).

(b) PUNITIVE DAMAGES.—In addition to damages under subsection (a), the Secretary may assess punitive damages in an amount of not more than $500,000,000 against a covered business entity if, after notice and an opportunity for a hearing, the Secretary determines the covered business entity willfully violated any requirement of section 6132(b).

(c) DECLARATIVE OR INJUNCTIVE RELIEF.—The Secretary may request the Attorney General institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for any district in which the covered business entity conducts business, whenever the Secretary believes that a violation of section 6132(b) constitutes a hazard to workers.

SEC. 6135. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate rules to carry out this subtitle.

SA 1949. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add the following:

SEC. 25___. PROHIBITION ON THE LICENSING AND TRANSFERRING OF CERTAIN INTELLECTUAL PROPERTY RIGHTS.

No intellectual property developed through research that is funded through the expenditure of Federal funds received under this division (or an amendment made by this division), or the appropriation of which are authorized under this division (or an amendment made by this division), may be licensed or transferred—

(1) to any business or research institution that is located outside of the United States; and

(2) for the commercialization or production of goods, services, or technologies.

SA 1950. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IMPOSING DATA SECURITY REQUIREMENTS AND STRENGTHENING REVIEW OF FOREIGN INVESTMENTS WITH RESPECT TO CERTAIN TECHNOLOGY COMPANIES FROM FOREIGN COUNTRIES OF CONCERN.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) COUNTRY OF CONCERN.—

(A) IN GENERAL.—Subject to subparagraph (B)(iii), the term ''country of concern'' means—

(i) the People's Republic of China;

(ii) the Russian Federation; and

(iii) any other country designated by the Secretary of State as being of concern with respect to the protection of data privacy and security.

(B) DESIGNATION OF COUNTRIES OF CONCERN.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of State shall—

(i) review the status of data privacy and security requirements (including by reviewing laws, policies, practices, and regulations related to data privacy and security) in each foreign country to determine—

(I) whether it would pose a substantial risk to the national security of the United States if the government of such country gained access to the user data of citizens and residents of the United States; and

(II) whether there is a substantial risk that the government of such country will, in a manner that fails to afford similar respect for civil liberties and privacy as the Constitution and laws of the United States, obtain user data from companies that collect user data;

(ii) designate each country that meets the criteria of clause (i) as a country of concern; and

(iii) remove the designation from any country that was previously designated a country of concern (regardless of whether such designation was pursuant to clause (i) or (ii) of subparagraph (A) or was made by the Secretary of State pursuant to clause (iii) of such subparagraph) if the country—

(I) no longer meets the criteria of clause (i); and

(II) is not at substantial risk of meeting such criteria.

(C) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations—

(i) establishing a process for a covered technology company or country of concern to petition the Secretary to remove the country of concern designation from a country that was designated as such pursuant to subparagraph (B)(ii); and

(ii) setting forth the procedures and criteria the Secretary will use in identifying or removing countries under subparagraphs (A)(iii) or (B)(iii).

(3) COVERED TECHNOLOGY COMPANY.—The term ''covered technology company'' means an entity that provides an online data-based service such as a website or internet application in or affecting interstate or foreign commerce and—

(A) is organized under the laws of a country of concern;

(B) in which foreign persons that are nationals of, or companies that are organized under the laws of, countries of concern have a plurality or controlling equity interest;

(C) is a subsidiary company of an entity described in subparagraph (A) or (B); or

(D) is otherwise subject to the jurisdiction of a country of concern in a manner that allows the country of concern to obtain the user data of citizens and residents of the United States without similar respect for civil liberties and privacy as provided under the Constitution and laws of the United States.

(4) FACIAL RECOGNITION TECHNOLOGY.—The term ''facial recognition technology'' means technology that analyzes facial features in still or video images and is used to identify, or facilitate identification of, an individual using facial physical characteristics.

(5) TARGETED ADVERTISING.—

(A) IN GENERAL.—The term ''targeted advertising'' means a form of advertising where advertisements are displayed to a user based on the user's traits, information from a profile about the user that is created for the purpose of selling advertisements, or the user's previous online or offline behavior.

(B) LIMITATION.—Such term shall not include advertising chosen because of the context of the internet service, such as—

(i) advertising that is directed to a user based on the content of the website, online service, online application, or mobile application that the user is connected to; or

(ii) advertising that is directed to a user by the operator of a website, online service, online application, or mobile application based on the search terms that the user used to arrive at such website, service, or application.

(6) USER DATA.—The term ''user data'' means any information obtained by an entity that provides a data-based service such as a website or internet application that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked with an individual who is a citizen or resident of the United States without regard to whether such information is directly submitted by the individual to the entity, is derived by the entity from the observed activity of the individual, or is obtained by the entity by any other means.

(b) DATA SECURITY REQUIREMENTS FOR COVERED TECHNOLOGY COMPANIES.—

(1) IN GENERAL.—The following requirements shall apply to a covered technology company:

(A) MINIMAL COLLECTION OF DATA.—The company shall not collect any more user data than is necessary for the operation of the website, service, or application of the company.

(B) PROHIBITION ON SECONDARY USES.—The company shall not use any user data collected under subparagraph (A) for any purpose that is secondary to the operation of the website, service, or application of the company, including providing targeted advertising, unnecessarily sharing such data with a third party, or unnecessarily facilitating facial recognition technology.

(C) RIGHT TO VIEW AND DELETE DATA.—The company shall allow an individual to—

(i) view any user data held by the company that relates to the individual; and

(ii) permanently delete any user data held by the company that has been collected, directly or indirectly, from the individual.

(D) PROHIBITION ON TRANSFER TO COUNTRIES OF CONCERN.—The company shall not transfer any user data or information needed to decipher that data, such as encryption keys, to any country of concern (including indirectly through a third country that is not a country of concern).

(E) DATA STORAGE REQUIREMENT.—The company shall not store any user data collected from citizens or residents of the United States or information needed to decipher that data, such as encryption keys, on a server or other data storage device that is located outside of the United States or a country that maintains an agreement with the United States to share data with law enforcement agencies through a process established by law.

(F) REPORTING REQUIREMENT.—Not less frequently than annually, the chief executive officer or equivalent officer of the company shall submit, under penalty of perjury, a report to the Commission, the Attorney General of the United States, and the Attorney General of each State certifying compliance with the requirements of this subsection.

(2) EXCEPTIONS.—

(A) EXCEPTION FOR LAW ENFORCEMENT AND MILITARY.—The requirements of subparagraphs (A) through (D) of paragraph (1) shall not apply where data is collected, used, retained, stored, or shared by a covered technology company solely for the purpose of assisting a law enforcement or military agency that is not affiliated with a country of concern.

(B) TRANSFER OF SHARED CONTENT.—The requirements of subparagraphs (E) and (F) of paragraph (1) shall not apply to user data that is content produced by a user for the purpose of sharing with other users (such as social media posts, emails, or data related to a transaction involving the user) or information needed to decipher that data provided that the transfer and any storage necessary to enact the transfer is conducted solely to carry out the user's intent to share such data with individual users in other countries and that necessary storage occurs only on the intended recipient's individual device.

(3) EFFECTIVE DATE.—The requirements of this subsection shall take effect 90 days after the date of enactment of this Act.

(c) DATA SECURITY REQUIREMENTS FOR OTHER TECHNOLOGY COMPANIES.—

(1) IN GENERAL.—The following requirements shall apply to any company operating in or affecting interstate or foreign commerce that provides a data-based service such as a website or internet application but is not a covered technology company:

(A) PROHIBITION ON TRANSFER TO COUNTRIES OF CONCERN.—The company shall not transfer any user data collected from an individual in the United States or information needed to decipher that data, such as encryption keys, to any country of concern (including indirectly through a third country that is not a country of concern).

(B) PROHIBITION ON STORING DATA IN COUNTRIES OF CONCERN.—The company shall not store any user data collected from an individual in the United States or information needed to decipher that data, such as encryption keys, on a server or other data storage device that is located in any country of concern.

(2) EXCEPTIONS.—

(A) EXCEPTION FOR LAW ENFORCEMENT AND MILITARY.—The requirements of paragraph (1) shall not apply where data is collected, used, retained, stored, or shared by a covered technology company solely for the purpose of assisting a law enforcement or military agency that is not affiliated with a country of concern.

(B) TRANSFER OF SHARED CONTENT.—The requirements of paragraph (1) shall not apply to user data that is content produced by a user for the purpose of sharing with other users (such as social media posts, emails, or data related to a transaction involving the user) or information needed to decipher that data provided that the transfer and any storage necessary to enact the transfer is conducted solely to carry out the user's intent to share such data with individual users in other countries and that necessary storage occurs only on the intended recipient's individual device.

(3) EFFECTIVE DATE.—The requirements of this subsection shall take effect 90 days after the date of enactment of this Act.

(d) ENFORCEMENT OF DATA SECURITY REQUIREMENTS.—

(1) ENFORCEMENT BY THE COMMISSION.—

(A) IN GENERAL.—Except as otherwise provided, subsections (b) and (c) shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(B) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (b) or (c) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(C) ACTIONS BY THE COMMISSION.—Except as otherwise provided, the Commission shall prevent any person from violating subsection (b) or (c) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section, and any person who violates such a subsection shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(D) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(2) CRIMINAL PENALTY.—

(A) OFFENSE.—It shall be unlawful to knowingly cause a technology company to violate a requirement of subsection (b) or (c).

(B) PENALTY.—Any person who violates subparagraph (A) shall be imprisoned for not more than 5 years, fined under title 18, United States Code, or both.

(3) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(A) IN GENERAL.—

(i) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates subsection (b) or (c), the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States or a State court of appropriate jurisdiction to—

(I) enjoin that practice;

(II) enforce compliance with such section;

(III) on behalf of residents of the State, obtain damages, statutory damages, restitution, or other compensation, each of which shall be distributed in accordance with State law; or

(IV) obtain such other relief as the court may consider to be appropriate.

(ii) NOTICE.—

(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Commission—

(aa) written notice of that action; and

(bb) a copy of the complaint for that action.

(II) EXEMPTION.—

(aa) IN GENERAL.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this subparagraph if the attorney general of the State determines that it is not feasible to provide the notice described in that subclause before the filing of the action.

(bb) NOTIFICATION.—In an action described in item (aa), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(B) INTERVENTION.—

(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Commission shall have the right to intervene in the action that is the subject of the notice.

(ii) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subparagraph (A), it shall have the right—

(I) to be heard with respect to any matter that arises in that action; and

(II) to file a petition for appeal.

(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(i) conduct investigations;

(ii) administer oaths or affirmations; or

(iii) compel the attendance of witnesses or the production of documentary and other evidence.

(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of subsection (b) or (c), no State may, during the pendency of that action, institute an action under subparagraph (A) against any defendant named in the complaint in the action instituted by or on behalf of the Commission for that violation.

(E) VENUE; SERVICE OF PROCESS.—

(i) VENUE.—Any action brought under subparagraph (A) may be brought in—

(I) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(II) a State court of competent jurisdiction.

(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A) in a district court of the United States, process may be served wherever defendant—

(I) is an inhabitant; or

(II) may be found.

(4) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Any individual who suffers injury as a result of an act, practice, or omission of a covered technology company that violates subsection (b) may bring a civil action against such company in any court of competent jurisdiction.

(B) RELIEF.—In a civil action brought under subparagraph (A) in which the plaintiff prevails, the court may award such plaintiff up to $1,000 for each day that such plaintiff was affected by a violation of subsection (b) (up to a maximum of $15,000 per each such violation per plaintiff).

(e) REQUIREMENT FOR APPROVAL OF COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN TRANSACTIONS.—Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)) is amended by adding at the end the following:

''(9) APPROVAL REQUIRED FOR CERTAIN TRANSACTIONS.—

''(A) IN GENERAL.—A covered transaction described in subparagraph (C) is prohibited unless the Committee—

''(i) reviews the transaction under this subsection; and

''(ii) determines that the transaction does not pose a risk to the national security of the United States.

''(B) MITIGATION.—The Committee, or a lead agency on behalf of the Committee, may negotiate, enter into or impose, and enforce an agreement or condition under subsection (l)(3) with any party to a covered transaction described in subparagraph (C) to mitigate any risk to the national security of the United States that arises as a result of the covered transaction.

''(C) COVERED TRANSACTION DESCRIBED.—A covered transaction described in this subparagraph is a transaction that could result in foreign control of a United States company—

''(i) that collects, sells, buys, or processes user data and whose business consists substantially more of transferring data than manufacturing, delivering, repairing, or servicing physical goods or providing physical services; or

''(ii) that operates a social media platform or website.

''(D) USER DATA DEFINED.—For purposes of subparagraph (C), the term 'user data' means any information obtained by an entity that provides a data-based service such as a website or internet application that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked with an individual who is a citizen or resident of the United States without regard to whether such information is directly submitted by the individual to the entity, is derived by the entity from the observed activity of the individual, or is obtained by the entity by any other means.''.

SA 1951. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In title III of division C, insert after section 3302 the following:

SEC. 3303. MEASURES TO PREVENT IMPORTATION OF GOODS MADE WITH FORCED LABOR.

(a) DUTIES ON IMPORTS FROM XINJIANG.—

(1) IN GENERAL.—During the period specified in paragraph (2), there shall be imposed a duty of 100 percent ad valorem, in addition to all duties otherwise applicable, on all goods, wares, articles, or merchandise—

(A) mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of the People's Republic of China; or

(B) manufactured or assembled from any component part or material that is mined, produced, or manufactured in the Xinjiang Uyghur Autonomous Region.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period—

(A) beginning on the date that is 90 days after the date of the enactment of this Act; and

(B) ending on the date, which may not be before the date that is one year after such date of enactment, on which the Secretary of State, in consultation with the Secretary of Labor, the Commissioner of U.S. Customs and Border Protection, and the United States Trade Representative—

(i) determines beyond a reasonable doubt that no slave labor, forced labor, indentured labor, or child labor exists in the People's Republic of China; and

(ii) submits to Congress and makes available to the public a report on that determination.

(3) REGULATIONS.—The Commissioner of U.S. Customs and Border Protection may prescribe regulations necessary for the enforcement of paragraph (1).

(b) INELIGIBILITY OF COUNTRIES THAT USE FORCED LABOR FOR GENERALIZED SYSTEM OF PREFERENCES.—

(1) IN GENERAL.—Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)) is amended—

(A) by inserting after subparagraph (H) the following:

''(I) Such country is identified by the Bureau of International Labor Affairs of the Department of Labor pursuant to section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)) as a source country of goods that are believed to be produced by forced labor or child labor in violation of international standards.''; and

(B) in the flush text at the end, by striking ''(F),'' and all that follows through ''section 507(6)(D))'' and inserting ''and (F)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to articles entered on or after the date that is 30 days after the date of the enactment of this Act.

SA 1952. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In division B, insert after section 2510 the following:

SEC. 2511. MARKING OF ARTICLES THAT ORIGINATE IN COUNTRIES BELIEVED TO PRODUCE GOODS MADE BY FORCED LABOR OR CHILD LABOR.

(a) IN GENERAL.—It shall be unlawful for an article that is required to be marked under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) and originates in a source country to be introduced, sold, advertised, or offered for sale in commerce in the United States unless that article is legibly, indelibly, and permanently marked, in addition to being marked with the English name of the country of origin of the article as required by such section 304, as follows: ''The United States Department of Labor has reason to believe that goods from this country are produced by child labor or forced labor in violation of international standards.''.

(b) ADDITIONAL DUTIES; DELIVERY WITHHELD; PENALTIES.—The provisions of subsections (i), (j), and (l) of section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) apply with respect to an article that is not marked as required by subsection (a) to the same extent

and in the same manner as such provisions apply to an article that is not marked as required by such section 304.

(c) REGULATIONS.—The Commissioner of U.S. Customs and Border Protection shall prescribe regulations that—

(1) ensure the requirement under subsection (a) is appropriately applied to articles introduced, sold, advertised, or offered for sale in commerce on an internet website such that the internet description of the article indicates in a conspicuous place the marking required by subsection (a); and

(2) provide for enforcement of the requirement under subsection (a).

(d) SOURCE COUNTRY DEFINED.—In this section, the term ''source country'' means a country identified by the Bureau of International Labor Affairs of the Department of Labor pursuant to section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)) as a source country of goods that are believed to be produced by forced labor or child labor in violation of international standards.

SA 1953. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3217 of division C and insert the following:

SEC. 3217. DECLASSIFICATION OF INFORMATION RELATED TO THE ORIGIN OF COVID–19.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of State released a fact sheet on January 15, 2021, about the Wuhan Institute of Virology (WIV) which stated the following:

(A) ''The U.S. government has reason to believe that several researchers inside the WIV became sick in autumn 2019, before the first identified case of the outbreak, with symptoms consistent with both COVID–19 and common seasonal illnesses.''.

(B) ''WIV researchers conducted experiments involving RaTG13, the bat coronavirus identified by the WIV in January 2020 as its closest sample to SARS-CoV-2.''.

(C) ''Despite the WIV presenting itself as a civilian institution, the United States has determined that the WIV has collaborated on publications and secret projects with China's military.''.

(2) Former Director of the Centers for Disease Control and Prevention, Robert Redfield, stated in March 2021 that, ''the most likely etiology of this pathogen in Wuhan was from a laboratory'' and noted that, ''[i]t is not unusual for respiratory pathogens that are being worked on in a laboratory to infect the laboratory worker.''.

(3) Director-General of the World Health Organization Tedros Adhanom Ghebreyesus acknowledged in March 2021 that the Coronavirus Disease 2019 (COVID–19) may have originated in a laboratory and said this hypothesis ''requires further investigation, potentially with additional missions involving specialist experts.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) identifying the origin of Coronavirus Disease 2019 (COVID–19) is critical for preventing a similar pandemic from occurring in the future;

(2) there is reason to believe the COVID–19 pandemic may have originated at the Wuhan Institute of Virology; and

(3) the Director of National Intelligence should declassify and make available to the public as much information as possible about the origin of COVID–19 so the United States and like-minded countries can—

(A) identify the origin of COVID–19 as expeditiously as possible, and

(B) use that information to take all appropriate measures to prevent a similar pandemic from occurring again.

(c) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) declassify any and all information relating to potential links between the Wuhan Institute of Virology and the origin of the Coronavirus Disease 2019 (COVID–19), including—

(A) activities performed by the Wuhan Institute of Virology with or on behalf of the People's Liberation Army;

(B) coronavirus research or other related activities performed at the Wuhan Institute of Virology prior to the outbreak of COVID–19; and

(C) researchers at the Wuhan Institute of Virology who fell ill in autumn 2019, including for any such researcher—

(i) the researcher's name;

(ii) the researcher's symptoms;

(iii) the date of the onset of the researcher's symptoms;

(iv) the researcher's role at the Wuhan Institute of Virology;

(v) whether the researcher was involved with or exposed to coronavirus research at the Wuhan Institute of Virology;

(vi) whether the researcher visited a hospital while they were ill; and

(vii) a description of any other actions taken by the researcher that may suggest they were experiencing a serious illness at the time; and

(2) submit to Congress an unclassified report that contains—

(A) all of the information described under paragraph (1); and

(B) only such redactions as the Director determines necessary to protect sources and methods without altering or obscuring in any way the information described under paragraph (1).

SA 1954. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENT THAT CERTAIN PROVIDERS OF SYSTEMS TO DEPARTMENT OF DEFENSE DISCLOSE THE SOURCE OF PRINTED CIRCUIT BOARDS WHEN SOURCED FROM CERTAIN COUNTRIES.

(a) SHORT TITLE.—This section may be cited as the ''Protecting Our Defense Systems Act''.

(b) DISCLOSURE.—The Secretary of Defense shall require any provider of a covered system to provide to the Department of Defense, along with delivery of the covered system, a list of the printed circuit boards in the covered system that includes, for each printed circuit board, an attestation of whether—

(1) the printed circuit board was partially or fully manufactured and assembled in a covered nation;

(2) the printed circuit board was fully manufactured and assembled outside of a covered nation; or

(3) the provider cannot determine where the printed circuit board was manufactured and assembled.

(c) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''covered nation'' includes the following:

(A) The People's Republic of China.

(B) The Russian Federation.

(C) The Democratic People's Republic of North Korea.

(D) The Islamic Republic of Iran.

(2) The term ''covered system'' means any item, including commercial items and commercially available off-the-shelf items, notwithstanding section 3452 of title 10, United States Code, as redesignated by section 1821(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), or sections 1906 and 1907 of title 41, United States Code, that—

(A) has an electronic component;

(B) is provided to the Department of Defense under a contract that exceeds the simplified acquisition threshold; and

(C) transmits or stores information including—

(i) telecommunications;

(ii) data communications and storage, including servers, switches, and networking systems, but excluding personal data storage devices, personal computers, desktop computers, tablets, and handheld equipment;

(iii) information technology security systems; and

(iv) any other system that the Secretary determines should be covered.

(3) The term ''manufactured and assembled'', with respect to a printed circuit board, includes all actions from the printing of the printed circuit board from raw materials to the integration of the completed printed circuit board in an end item or component of an end item.

SA 1955. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AGREEMENTS RELATED TO NUCLEAR PROGRAM OF IRAN DEEMED TREATIES SUBJECT TO ADVICE AND CONSENT OF THE SENATE.

(a) TREATY SUBJECT TO ADVICE AND CONSENT OF THE SENATE.—Notwithstanding any other provision of law, any agreement

reached by the President with Iran relating to the nuclear program of Iran is deemed to be a treaty that is subject to the requirements of article II, section 2, clause 2 of the Constitution of the United States requiring that the treaty is subject to the advice and consent of the Senate, with two-thirds of Senators concurring.

(b) LIMITATION ON SANCTIONS RELIEF.—Notwithstanding any other provision of law, the President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions under any other provision of law or refrain from applying any such sanctions pursuant to an agreement related to the nuclear program of Iran that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action, regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not, including any joint comprehensive plan of action entered into or made between Iran and any other parties, and any additional materials related thereto, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance, technical or other understandings, and any related agreements, whether entered into or implemented prior to the agreement or to be entered into or implemented in the future, subject to the advice and consent of the Senate as a treaty, receives the concurrence of two thirds of the Senators.

SA 1956. Mr. HAGERTY (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE 10TH ANNIVERSARY OF THE MARCH 11, 2011, EARTHQUAKE AND TSUNAMI IN JAPAN.

(a) FINDINGS.—Congress makes the following findings:

(1) At 2:46 p.m. on March 11, 2011, an earthquake initially reported as measuring 8.9 on the Richter scale, the strongest recorded in more than 100 years in Japan, occurred near the Tohoku region of Northeast Japan, 81 miles off the coast from Sendai City.

(2) Intense shaking could be felt from Tokyo to Kamaishi, an arc of roughly 360 miles.

(3) The earthquake generated a massive tsunami that caused widespread damage to a swath of the northeast Japanese coastline and traveled across the Pacific Ocean, causing damage to coastal communities as far away as the States of Hawaii, Oregon, and California.

(4) Authorities in Japan confirm at least 15,899 deaths from the earthquake and resulting tsunami.

(5) Within minutes of the earthquake, the National Oceanic and Atmospheric Administration alerted emergency workers in the States of Hawaii, California, Oregon, Washington, and Alaska that a potentially catastrophic tsunami was heading toward those States and mobilized the Tsunami Warning System in the Pacific.

(6) The earthquake forced the emergency shutdown of 4 nuclear power facilities in Japan, representing a significant loss of electric generation capacity for Japan and necessitating rolling blackouts in portions of Tokyo.

(7) The earthquake and the resulting tsunami severely damaged the Fukushima Daiichi nuclear power station, precipitating a loss of power for cooling systems at that facility and necessitating emergency measures to prevent serious radiation leakages.

(8) International response to the disaster was swift, with search and rescue teams arriving from the United States, the United Kingdom, Australia, New Zealand, France, and China, among other countries.

(9) The USS Ronald Reagan aircraft carrier and its support vessels were deployed to the earthquake region to participate in search and rescue and relief operations.

(10) Elements of the III Marine Expeditionary Force (MEF), a United States Agency for International Development Disaster Assistance Response Team (DART), and other United States military and civilian personnel were deployed to Japan to render aid and help coordinate United States relief efforts.

(11) The United States-Japan alliance is based upon shared values, democratic ideals, free markets, and a mutual respect for human rights, individual liberties, and the rule of law, and is central to the security and prosperity of the entire Indo-Pacific region.

(12) The Self-Defense Forces of Japan have contributed broadly to global security missions, including relief operations following the tsunami in Indonesia in 2005, reconstruction in Iraq from 2004 to 2006, and relief assistance following the earthquake in Haiti in 2010.

(13) Japan is among the most generous donor nations, providing billions of dollars of foreign assistance, including disaster relief, annually to developing countries.

(14) Since 2011, Japan has committed tremendous resources and effort to decommission the Fukushima Daiichi nuclear power station by taking measures on contaminated water and extracting fuel.

(15) Since 2011, Japan has committed tremendous resources and effort to restore the environment in Fukushima Prefecture, in collaboration with the International Atomic Energy Agency, to ensure that citizens can live with peace of mind with safe water and food.

(16) Ten years after the earthquake and resulting tsunami, Japan is seeking to host a successful Olympics in Tokyo where the best athletes from across the world can showcase their talents amidst the ongoing global COVID–19 pandemic.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) mourns the loss of life resulting from the earthquake and tsunami in Japan on March 11, 2011;

(2) expresses its deepest condolences to the families of the victims of the tragedy;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of the natural disaster;

(4) commends the Government of Japan for its courageous and professional response to the natural disaster; and

(5) supports the efforts already underway by the United States Government, relief agencies, and private citizens to assist the Government and people of Japan with the revitalization efforts in Fukushima Prefecture.

SA 1957. Ms. ERNST (for herself, Mr. CRAMER, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add the following:

SEC. 2528. DENIAL OF FUNDS FOR PREVENTING GOVERNMENT AGENCY ACCESS TO CAMPUS.

(a) DENIAL OF FUNDS FOR PREVENTING GOVERNMENT AGENCY ACCESS TO CAMPUS.—No funds described in subsection (c)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Director determines that the institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the government agencies or organizations from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

(2) access by government recruiters for purposes of government recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):

(A) Names, addresses, electronic mail addresses (which shall be the electronic mail addresses provided by the institution, if available), and telephone listings.

(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitation established in subsection (a) shall not apply to an institution of higher education (or any subelement of that institution) if the Director determines that the institution (and each subelement of that institution) has ceased the policy or practice described in that subsection.

(2) DECLINE RELEASE.—A parent of a student who has not yet turned 18 years of age and any student have the option to decline release of the student's name, address, electronic mail address, telephone listing, and all other information to requesting government agencies or organizations.

(c) COVERED FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the limitations established in subsection (a) apply to the following:

(A) Any funds made available for the Foundation.

(B) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

(C) Any funds made available for the Department of Homeland Security.

(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

(E) Any funds made available for the Department of Transportation.

(F) Any funds made available for the Central Intelligence Agency.

(2) AMOUNTS AVAILABLE FOR STUDENTS.—Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.

(d) NOTICE OF DETERMINATIONS.—Whenever the Director makes a determination under subsection (a), (b), or (c), the Director—

(1) shall transmit a notice of the determination to the Secretary of Education and to the head of each other department and agency the funds of which are subject to the determination; and

(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any subelement of that institution) for contracts and grants.

SA 1958. Mr. HAGERTY (for himself, Mr. WARNER, Ms. LUMMIS, Mr. COONS, Mrs. BLACKBURN, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I of division C, add the following:

SEC. 3124. STUDY ON THE CREATION OF AN OFFICIAL DIGITAL CURRENCY BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the short-, medium-, and long-term national security risks associated with the creation and use of the official digital renminbi of the People's Republic of China, including—

(1) risks arising from potential surveillance of transactions;

(2) risks related to security and illicit finance; and

(3) risks related to economic coercion and social control by the People's Republic of China.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1959. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

SEC. 25____. INTELLIGENCE DUTIES OF OFFICE OF HOMELAND SECURITY.

(a) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY; NATIONAL INTELLIGENCE PROGRAM.—The terms ''intelligence community'' and ''National Intelligence Program'' have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) INTELLIGENCE DUTIES.—In addition to the duties described in section 221(d) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6922(d)), the Executive Director of Homeland Security of the Department of Agriculture (referred to in this section as the ''Executive Director'') shall carry out the following duties:

(1) The Executive Director shall be responsible for leveraging the capabilities of the intelligence community and National Laboratories intelligence-related research, to ensure that the Secretary is fully informed of threats by foreign actors to the food and agriculture critical infrastructure sector.

(2) The Executive Director shall advise the Secretary on foreign efforts—

(A) to steal knowledge and technology from the food and agriculture critical infrastructure sector; and

(B) to develop or implement biological warfare attacks, cyber or clandestine operations, or other means of sabotaging and disrupting the food and agriculture critical infrastructure sector.

(3) The Executive Director shall prepare, conduct, and facilitate intelligence briefings for the Secretary and appropriate officials of the Department of Agriculture.

(4) The Executive Director shall operate as the liaison between the Secretary and the intelligence community, with the authority to request intelligence collection and analysis on matters relating to the food and agriculture critical infrastructure sector.

(5) The Executive Director shall collaborate with the intelligence community to downgrade intelligence assessments for broader dissemination within the Department of Agriculture.

(6) The Executive Director shall facilitate sharing information on foreign activities relating to agriculture, as acquired by the Department of Agriculture with the intelligence community.

SA 1960. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title I of division F, insert the following:

SEC. ___. ESTABLISHMENT OF WORKING GROUP.

(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a working group (in this Act referred to as the ''Working Group'') in the Department of Health and Human Services to make recommended updates to the National Institute of Health's Genomic Data Sharing Policy and to that end, develop and disseminate best practices on data sharing for use by entities engaged in biomedical research and international collaboration to enable both academic, public, and private institutions to—

(1) protect intellectual property;

(2) weigh the national security risks of potential partnerships where individually identifiable health information (for purposes of this section, as defined by section 160.103 of title 45, Code of Federal Regulations (or any successor regulations)), of the people of the United States is exchanged; and

(3) protect the individually identifiable health information of the people of the United States.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Secretary shall, after consultation with the Director of the National Science Foundation and the Attorney General, appoint to the Working Group—

(A) individuals with knowledge and expertise in data privacy or security, data-sharing, national security, or the uses of genomic technology and information in clinical or non-clinical research;

(B) representatives of national associations representing biomedical research institutions and academic societies;

(C) representatives of at least 2 major genomics research organizations from the private sector; and

(D) representatives of any other entities the Secretary determines appropriate and necessary to develop the best practices described in subsection (a).

(2) REPRESENTATION.—In addition to the members described in paragraph (1), the Working Group shall include not less than one representative of each of the following:

(A) The National Institutes of Health.

(B) The Bureau of Industry and Security of the Department of Commerce.

(C) The National Academies of Science, Engineering, and Mathematics.

(D) The Department of State.

(E) The Department of Justice.

(F) The Office of the National Coordinator for Health Information Technology.

(G) The Defense Advanced Research Projects Agency.

(H) The Department of Energy.

(3) DATE.—The appointments of the members of the Working Group shall be made not later than 90 days after the date of enactment of this Act.

(c) DUTIES OF WORKING GROUP.—

(1) STUDY.—The Working Group shall study—

(A) the transfer of data between private, public, and academic institutions that partake in science and technology research and their research partners, with a focus on entities of the People's Republic of China and other foreign entities of concern, including a review of what circumstances would constitute a transfer of data;

(B) best practices regarding data protection to help private, public, and academic institutions that partake in biomedical research decide how to weigh and factor national security into their partnership decisions and, through research collaborations,

what steps the institutions can take to safeguard data, particularly genomic data;

(C) recommendations regarding areas where Federal agencies can coordinate to increase education to such private and academic research institutions that partake in science and technology research to ensure the institutions can better protect themselves from economic threats with a strengthened understanding of intellectual property rights, research ethics, and the risk of intellectual property theft, as well as education on how to recognize and report such threats; and

(D) other risks and best practices related to information and data sharing, as identified by the Working Group, including any gaps in current practice that could be addressed by congressional action.

(2) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Working Group shall submit a report that contains a detailed statement of the findings and conclusions of the Working Group, together with recommendations to update the National Institute of Health's Genomic Data Sharing Policy and subsequent nonbinding guidance regarding risks and safeguards for data sharing with foreign entities for research institutions in the field, to—

(i) the Secretary of Health and Human Services;

(ii) the President;

(iii) the Committee on Health, Education, Labor, and Pensions, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(iv) the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) GUIDANCE.—The guidance provided under subparagraph (A) shall include nonbinding guidance for entities that utilize genomic technologies, such as whole genomic sequencing, for use in research or other types of individually identifiable health information.

(3) REQUIREMENTS.—In carrying out the duties of this subsection, the Working Group shall consider all existing Federal guidance and grant requirements (as of the date of consideration), particularly with regard to foreign influences and research integrity, and ensure that all recommended updates to the Genomic Data Sharing Policy and subsequent best practices put forward by the working group not duplicate or conflict with existing guidance, as of the date of publication.

(d) POWERS OF WORKING GROUP.—

(1) HEARINGS.—The Working Group may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Working Group considers advisable to carry out this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Working Group may secure directly from a Federal department or agency such information as the Working Group considers necessary to carry out this Act.

(B) FURNISHING INFORMATION.—On request of a majority of the members of the Working Group, the head of the department or agency shall furnish the information to the Working Group.

(3) POSTAL SERVICES.—The Working Group may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) TERMINATION OF WORKING GROUP.—The Working Group shall terminate 90 days after the date on which the Working Group submits the report required under subsection (c)(2).

SA 1961. Mr. ROMNEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3213, add the following:

(c) PRECLEARANCE OPERATIONS AT TAOYUAN INTERNATIONAL AIRPORT.—

(1) EXECUTIVE AGREEMENT.—The Commissioner of U.S. Customs and Border Protection shall enter into an executive agreement with the Taoyuan International Airport to establish and maintain preclearance operations in such airport pursuant to section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) and section 103(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(7)).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to establish and maintain preclearance operations at Taoyuan International Airport in accordance with the executive agreement referred to in paragraph (1).

SA 1962. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 63___. CRITICAL MINERAL DEVELOPMENT.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term ''critical mineral'' means a critical mineral included on the Final List of Critical Minerals 2018 published by the Secretary of the Interior (83 Fed. Reg. 23295 (May 18, 2018)).

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(A) the Secretary of the Interior; or

(B) the Secretary of Agriculture.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each Secretary concerned shall complete a review of all land under the jurisdiction of the Secretary concerned that is subject to an administrative withdrawal from mineral development.

(2) CRITICAL MINERALS.—

(A) IN GENERAL.—In carrying out the review under paragraph (1), the Secretary concerned shall use data of the United States Geological Survey and any other relevant Federal agencies to determine whether any land identified under that paragraph contains any critical mineral.

(B) SOLICITATION OF COMMENTS.—In carrying out subparagraph (A), the Secretary concerned shall hold a comment period for private sources to share data regarding whether any land identified under paragraph (1) contains any critical mineral.

(c) LIST.—At the end of the 90-day period described in paragraph (1) of subsection (b), each Secretary concerned shall submit to Congress a report containing a comprehensive list of all land identified as subject to an administrative withdrawal from mineral development, including information on whether the land contains any critical mineral, as determined under paragraph (2) of that subsection.

(d) FINAL RULE.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Secretary concerned submits the report under subsection (c), the Secretary concerned shall issue a final rule to rescind the withdrawal for each parcel of land determined under subsection (b)(2) to contain any critical mineral.

(2) FINAL RULE.—Each individual rescission made by the Secretary concerned under paragraph (1) shall be deemed to be a rule for purposes of chapter 8 of title 5, United States Code (commonly known as the ''Congressional Review Act'').

(e) AUTOMATIC WITHDRAWAL.—With respect to any parcel of land under the jurisdiction of the Secretary concerned that is subject to an administrative withdrawal from mineral development, if the Secretary does not submit a report under subsection (c) with respect to that parcel by the deadline described in subsection (b)(1), the administrative withdrawal for that parcel shall automatically be rescinded.

SA 1963. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL BUREAU OF INVESTIGATION REPORT ON ESPIONAGE AND INTELLECTUAL PROPERTY THEFT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit a report on the potential use of 10-year multi-entry visa programs of the United States by covered nations (as defined in section 2533c(d) of title 10, United States Code) to enable espionage and intellectual property theft against the United States to—

(1) the Select Committee on Intelligence of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Foreign Relations of the Senate;

(4) the Committee on Homeland Security and Governmental Affairs of the Senate;

(5) the Permanent Select Committee on Intelligence of the House of Representatives;

(6) the Committee on the Judiciary of the House of Representatives;

(7) the Committee on Foreign Affairs of the House of Representatives; and

(8) the Committee on Homeland Security of the House of Representatives.

(b) CONTENTS.—The report required under subsection (a) shall include, at a minimum,

an analysis of efforts by covered nations to exploit the visa programs described in subsection (a) and coerce individuals participating in such visa programs to aid in espionage or intellectual property theft by covered nations or entities under the jurisdiction of such covered nations.

SA 1964. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division B, add the following:

SEC. 2309. PROHIBITION AGAINST NATIONAL SCIENCE FOUNDATION FUNDING FOR FOREIGN ENTITIES OF CONCERN.

(a) DEFINITIONS.—In this section:

(1) COVERED NATION.—The term ''covered nation'' has the meaning given the term in section 2533c(d) of title 10, United States Code.

(2) FOREIGN ENTITY OF CONCERN.—The term ''foreign entity of concern'' has the meaning given the term in section 2307(a)(1).

(b) INELIGIBILITY FOR NATIONAL SCIENCE FOUNDATION FUNDING.—Notwithstanding any other provision of law, the Director of the National Science Foundation may not issue an award to—

(1) a foreign entity of concern; or

(2) an applicant operating on behalf of a foreign entity of concern.

(c) RULE OF CONSTRUCTION.—For the purposes of subsection (b), nothing in section 2307(a)(1)(C) may be construed to prohibit a United States company or a company of an allied nation that maintains a subsidiary operation in a covered nation or a United States university that maintains a branch campus in a covered nation from receiving National Science Foundation funds at United States locations strictly because of the existence of such subsidiary operation or branch campus.

SA 1965. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CHINA GRAND STRATEGY.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States is in a geostrategic competition with the People's Republic of China, a great power that is challenging the United States in the diplomatic, economic, military, technological, and informational domains.

(B) During the geostrategic competition with the Soviet Union, the United States articulated and refined its strategy to ensure ultimate success.

(C) President Eisenhower utilized experts from both within and outside the United States Government during Project Solarium to produce NSC 162/2, a ''Statement of Policy by the National Security Council on Basic National Security Policy'' in order to ''meet the Soviet Threat to U.S. security'' and guide United States national security policy.

(D) President Ford authorized the Team B project to draw in experts from outside the United States Government to question and strengthen the analysis of the Central Intelligence Agency.

(E) A model for United States strategy on a great power competitor is the January 17, 1983, National Security Decision Directive Number 75, approved by President Reagan, to organize United States strategy toward the Soviet Union in order to clarify and orient United States policies towards specific objectives vis a vis the Soviet Union.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States should draw upon previous successful models of grand strategy to articulate a strategy that appropriately addresses the evolving challenges and contours of the current geostrategic competition with the People's Republic of China.

(b) CHINA GRAND STRATEGY.—

(1) IN GENERAL.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall commence developing a comprehensive report that articulates the strategy of the United States with respect to the People's Republic of China (in this section referred to as the ''China Grand Strategy'') that builds on the work of such national security strategy.

(2) SUBMITTAL.—Not later than 270 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress the China Grand Strategy developed under paragraph (1).

(3) FORM.—The China Grand Strategy shall be submitted in classified form and shall include an unclassified summary.

(c) CONTENTS.—The China Grand Strategy developed under subsection (b) shall set forth the national security strategy of the United States with respect to the People's Republic of China and shall include a comprehensive description and discussion of the following:

(1) The worldwide interests, goals, and objectives of the United States, including national security interests, within the context of the competition with the People's Republic of China.

(2) The foreign and economic policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States within the context of the competition with the People's Republic of China.

(3) How the United States will exercise the political, economic, military, diplomatic, and other elements of its national power to protect or advance its interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States Government to carry out the national security strategy of the United States within the context of the competition with the People's Republic of China, including an evaluation—

(A) of the balance among the capabilities of all elements of national power of the United States; and

(B) the balance of all United States elements of national power in comparison to equivalent elements of national power of the People's Republic of China.

(5) The assumptions and end-state or end-states of the strategy of the United States with respect to the People's Republic of China.

(6) Such other information as the President considers necessary to help inform Congress on matters relating to the national security strategy of the United States with respect to the People's Republic of China.

(d) ADVISORY BOARD ON CHINA GRAND STRATEGY.—

(1) ESTABLISHMENT.—There is hereby established in the executive branch a commission to be known as the ''Advisory Board on China Grand Strategy'' (in this section referred to as the ''Board'').

(2) PURPOSE.—The purpose of the Board is to convene outside experts to advise the President on development of the China Grand Strategy.

(3) DUTIES.—

(A) REVIEW.—The Board shall review the current national security strategy of the United States with respect to the People's Republic of China, including assumptions, strategy, and end-state or end-states.

(B) ASSESSMENT AND RECOMMENDATIONS.—The Board shall analyze the United States national security strategy with respect to the People's Republic of China, including challenging its assumptions and approach, and make recommendations to the President for the China Grand Strategy.

(4) COMPOSITION.—

(A) RECOMMENDATIONS.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of at not fewer than 6 candidates for membership on the Board, at least 3 of whom shall be individuals in the private sector and 3 of whom shall be individuals in academia or employed by a nonprofit research institution.

(B) MEMBERSHIP.—The Board shall be composed of 8 members appointed by the President as follows:

(i) Four shall be selected from among individuals in the private sector.

(ii) Four shall be selected from among individuals in academia or employed by a nonprofit research institution.

(iii) Two members should be selected from among individuals included in the list submitted by the majority leader of the Senate under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(iv) Two members should be selected from among individuals included in the list submitted by the minority leader of the Senate under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(v) Two members should be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), or whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(vi) Two members should be selected from among individuals included in the list submitted by the minority leader of the House of Representatives under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a nonprofit research institution.

(C) NONGOVERNMENTAL MEMBERSHIP; PERIOD OF APPOINTMENT; VACANCIES.—

(i) NONGOVERNMENTAL MEMBERSHIP.—An individual appointed to the Board may not be an officer or employee of an instrumentality of government.

(ii) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Board.

(iii) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall—

(A) appoint the members of the Board pursuant to paragraph (4); and

(B) submit to Congress a list of the members so appointed.

(6) EXPERTS AND CONSULTANTS.—The Board is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(7) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Board in expeditiously providing to the Board members and experts and consultants appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(8) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Board and any experts and consultants consistent with all applicable statutes, regulations, and Executive orders.

(9) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) and section 552b of title 5, United States Code (commonly known as the ''Government in the Sunshine Act''), shall not apply to the Board.

(10) UNCOMPENSATED SERVICE.—Members of the Board shall serve without compensation.

(11) COOPERATION FROM GOVERNMENT.—In carrying out its duties, the Board shall receive the full and timely cooperation of the heads of relevant Federal departments and agencies in providing the Board with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for the period of fiscal years 2022 and 2023.

(13) TERMINATION.—The Board shall terminate on the date that is 60 days after the date on which the President submits the China Grand Strategy to Congress under subsection (b)(2).

SA 1966. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II of division E, add the following:

SEC. 5214. MODIFICATION OF DEFINITION OF DOMESTIC SOURCE UNDER DEFENSE PRODUCTION ACT OF 1950.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) rare earth elements are among the materials the United States domestic industrial base requires to produce modern high-tech devices;

(2) the People's Republic of China possesses more than 80 percent of the world's capacity to process raw ore for rare earth elements, and is the world's biggest reserve, producer, consumer, processor, importer, and exporter of rare earth elements;

(3) Greenland, a self-governing territory of Denmark in North America, sits on vast, untapped reserves of critical minerals, including rare earth elements; and

(4) rare earth elements are critically important inputs for the United States domestic industrial base.

(b) MODIFICATION OF DEFINITION.—Section 702(7)(A) of the Defense Production Act of 1950 (50 U.S.C. 4552(7)(A)) is amended by striking ''or Canada'' and inserting '', Canada, or Greenland''.

SA 1967. Mr. HAGERTY (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. PREVENTION OF ABUSE OF FLEXIBILITIES IN RULES AND NEGOTIATIONS GIVEN BY THE WORLD TRADE ORGANIZATION TO DEVELOPING COUNTRIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the World Trade Organization (WTO) was established to catalyze economic growth and raise standards of living by establishing international trade rules based on principles of transparency, openness, and predictability;

(2) the WTO continues to use a dichotomy between developed and developing countries that has allowed some WTO members to gain unfair advantages in the international trade arena;

(3) China continues to declare itself a developing country and avail itself of flexibilities under WTO rules;

(4) China has the second largest gross domestic product in the world;

(5) China is the largest global exporter of goods and accounts for more than 10 percent of total global exports of goods;

(6) the outbound and inbound foreign direct investment of China exceeds that of most member countries of the Organization for Economic Cooperation and Development;

(7) China, however, continues to declare itself a developing country to enjoy the special and differential treatment provisions that come with that status; and

(8) when the largest economies claim developing country status, they potentially harm not only other developed countries but also developing economies that require special and differential treatment.

(b) PREVENTION OF ABUSE OF FLEXIBILITIES.—

(1) IN GENERAL.—The United States Trade Representative shall use all available means as the Trade Representative considers appropriate to secure changes at the World Trade Organization that would prevent self-declared developing countries from availing themselves of flexibilities in the rules and negotiations at the WTO that are not justified by appropriate economic and other indicators, as determined by the Trade Representative.

(2) COOPERATION.—The Trade Representative shall carry out the requirements under paragraph (1) in cooperation with other like-minded WTO members.

(3) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Trade Representative shall submit to Congress a report on the progress of the Trade Representative in carrying out paragraph (1).

(c) TREATMENT BY UNITED STATES.—Not later than 270 days after the date of the enactment of this Act, if the Trade Representative determines that substantial progress has not been made toward securing the changes described in subsection (b)(1), the Trade Representative shall, as the Trade Representative considers appropriate, no longer treat as a developing country for the purposes of the WTO any WTO member that, in the judgment of the Trade Representative, is improperly declaring itself a developing country and inappropriately seeking the benefit of flexibilities in the rules and negotiations at the WTO.

(d) PUBLICATION.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Trade Representative shall publish on an internet website of the Office of the United States Trade Representative a list of all self-declared developing countries that the Trade Representative determines are inappropriately seeking the benefit of developing-country flexibilities in the rules of and negotiations by the WTO.

(2) UPDATE.—The Trade Representative shall update the list under paragraph (1) not less frequently than annually.

(e) DEFINITIONS.—In this section, the terms ''World Trade Organization'', ''WTO'', and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

SA 1968. Mr. CORNYN (for himself, Mr. KELLY, Mr. RUBIO, and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for

Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 497, strike line 11 and insert the following:

(1) For Exploration, $6,555,400,000.

On page 497, strike line 13 and insert the following:

(3) For Science, $7,301,000,000.

On page 497, strike line 15 and insert the following:

(5) For Space Technology, $1,100,000,000.

On page 497, strike line 21 and insert the following:

pliance and Restoration, $390,278,000.

On page 503, strike lines 6 and 7 and insert the following:

gress that next-generation advanced spacesuits and associated EVA technologies are critical technologies for human space exploration and use of

On page 503, line 12, insert ''and associated EVA technologies'' after ''advanced spacesuits''.

On page 510, line 9, insert ''**THE** ''before ''**INTERNATIONAL SPACE STATION**''.

On page 512, between lines 7 and 8, insert the following:

SEC. 2621A. TRANSITION STRATEGY FOR THE INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—Not later than 300 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a strategy that—

(1) describes the manner in which the Administration will ensure a stepwise transition to an eventual successor platform consistent with the ISS Transition Principles specified in the International Space Station Transition Report issued pursuant to section 50111(c)(2) of title 51, United States Code, on March 30, 2018;

(2) includes capability-driven milestones and timelines leading to such a transition;

(3) takes into account the importance of maintaining workforce expertise, core capabilities, and continuity at the centers of the Administration, including such centers that are primarily focused on human spaceflight;

(4) considers how any transition described in paragraph (1) affects international and commercial partnerships;

(5) presents opportunities for future engagement with—

(A) international partners;

(B) countries with growing spaceflight capabilities, if such engagement is not precluded by other provisions of law;

(C) the scientific community, including the microgravity research community;

(D) the private sector; and

(E) other United States Government users; and

(6) promotes the continued economic development of low-Earth orbit.

(b) IMPLEMENTATION PLAN.—The strategy required by subsection (a) shall include an implementation plan describing the manner in which the Administration plans to carry out such strategy.

(c) REPORT.—Not less frequently than biennially, the Administrator shall submit to the appropriate committees of Congress a report on the implementation of the strategy required by subsection (a).

On page 523, line 8, strike ''2626'' and insert ''2625''.

On page 526, line 16, strike ''2626'' and insert ''2625''.

On page 527, line 11, strike ''2627'' and insert ''2626''

On page 535, between lines 15 and 16, insert the following:

SEC. 2628A. HUMAN SPACE FACILITIES IN AND BEYOND LOW-EARTH ORBIT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that human space facilities play a significant role in the long-term pursuit by the Administration of the exploration goals under section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)).

(b) REPORT ON CREWED AND UNCREWED HUMAN SPACE FACILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report on the potential development of 1 or more human space facilities.

(2) CONTENTS.—With respect to the potential development of each human space facility referred to in paragraph (1), the report required under such paragraph shall include a description of the following:

(A) The capacity of the human space facility to advance, enable, or complement human exploration of the solar system, including human exploration of the atmosphere and the surface of celestial bodies.

(B) The role of the human space facility as a staging, logistics, and operations hub in exploration architecture.

(C) The capacity of the human space facility to support the research, development, testing, validation, operation, and launch of space exploration systems and technologies.

(D) The importance of workforce expertise and core capabilities at NASA centers, including NASA centers that are primarily focused on human spaceflight, in the development of structures and systems for each human space facility.

(E) Opportunities and strategies for commercial operation or public-private partnerships with respect to the human space facility that protect taxpayer interests and foster competition.

(F) The role of the human space facility in encouraging further crewed and uncrewed exploration investments.

(G) The manner in which the development and maintenance of the International Space Station would reduce the cost of, and time necessary for, the development of the human space facility.

On page 551, strike lines 17 and 18 and insert the following:

2640(b)(2)(A) of the National Aeronautics and Space Administration Authorization Act of 2021.

On page 583, between lines 2 and 3, insert the following:

(e) REPORT ON RESEARCH AND DEVELOPMENT RELATING TO LIFE-SUSTAINING TECHNICAL SYSTEMS AND PLAN FOR ACHIEVING POWER SUPPLY.—Not later than 1 year after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress—

(1) a report on the research and development of the Administration relating to technical systems for the self-sufficient sustainment of life in and beyond low-Earth orbit; and

(2) a 10-year plan for achieving a power supply on the Moon that includes—

(A) a consideration of the resources necessary to accomplish such plan;

(B) collaboration and input from industry and the Department of Energy;

(C) the use of a variety of types of energy, including solar and nuclear; and

(D) a detailed description of the resources necessary for the Administration to build a lunar power facility with human-tended maintenance requirements during the subsequent 10-year period.

SA 1969. Ms. HASSAN (for herself and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. VIRTUAL CURRENCIES AND THEIR GLOBAL USE.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General, the United States Trade Representative, the Board of Governors of the Federal Reserve System, the Office of the Director of National Intelligence, and any other agencies or departments that the Secretary of the Treasury determines are necessary, shall submit to the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate and the Committee on Ways and Means, the Committee on Foreign Affairs, the Committee on the Judiciary, and Committee on Financial Services of the House of Representatives a report on virtual currency and their global use, which shall—

(1) assess how foreign countries use and mine virtual currencies, including identifying the largest state and private industry users and miners of virtual currency, policies foreign countries have adopted to encourage virtual currency use and mining, and how foreign countries could be strengthened or undermined by the use and mining of cryptocurrencies within their borders;

(2) identify, to the greatest extent practicable, the types and dollar value of virtual currency mined for each of fiscal years 2016 through 2022 within the United States and globally, as well as within the People's Republic of China and within any other countries the Secretary of the Treasury determines are relevant; and

(3) identify vulnerabilities, including those related to supply disruptions and technology availability of the global microelectronic supply chain, and opportunities with respect to virtual currency mining operations.

(b) CLASSIFIED ANNEX.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SA 1970. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 21, insert ''and in consultation with the Secretary of Energy'' after ''Director''.

SA 1971. Mr. VAN HOLLEN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—NATIONAL FAB LAB NETWORK

SEC. ____1. SHORT TITLE.

This title may be cited as the ''National Fab Lab Network Act of 2021''.

SEC. ____2. FINDINGS.

Congress finds the following:

(1) Scientific discoveries and technical innovations are critical to the economic and national security of the United States.

(2) Maintaining the leadership of the United States in science, technology, engineering, and mathematics will require a diverse population with the skills, interest, and access to tools required to advance these fields.

(3) Just as earlier digital revolutions in communications and computation provided individuals with the internet and personal computers, a digital revolution in fabrication will allow anyone to make almost anything, anywhere.

(4) These creations include elements of a typical household basket of goods (furnishings, apparel, food production equipment, shelter, transportation, education and communication, recreation, and other goods and services), personal technology, means for personal expression, the production of digital fabrication machinery, community design, and manufacturing capability.

(5) The Center for Bits and Atoms of the Massachusetts Institute of Technology (CBA) has contributed significantly to the advancement of these goals through its work in creating and advancing digital fabrication facilities, or ''fab labs'' in the United States and abroad.

(6) Such digital fabrication facilities may include MakerSpaces, Hackerspaces, and other creative spaces that use digital fabrication as a platform for education, innovation, entrepreneurship, personal expression, public access, and social impact.

(7) Such digital fabrication facilities provide a model for a new kind of national laboratory that operates as a network, linking local facilities for advanced manufacturing, providing universal access, cultivating new literacies, and empowering communities.

(8) The nonprofit Fab Foundation was established to support the growth of the international network of digital fabrication facilities, to amplify the educational, entrepreneurial, and social impacts of digital fabrication facilities, and to support the development of regional capacity building organizations to broaden impact as well as address local, regional, and global challenges through the use of digital fabrication technologies.

(9) A coordinated array of national public-private partnerships will be the most effective way to accelerate the provision of universal access to this infrastructure for workforce development, science, technology, engineering, and mathematics education, developing inventions, creating businesses, producing personalized products, and mitigating risks.

SEC. ____3. DEFINITION OF FAB LAB.

In this title, the term ''fab lab'' means a facility that—

(1) contains the range of capabilities required to create form and function from digital designs, including—

(A) computer-controlled machines for additive and subtractive fabrication processes;

(B) tools and components for manufacturing and programming electronic circuits;

(C) materials and methods for short-run production; and

(D) workflows for three-dimensional design and digitization; and

(2) is committed to supporting education, innovation, entrepreneurship, personal expression, self-sufficiency, and social impact for its community through digital fabrication.

SEC. ____4. ESTABLISHMENT.

There is hereby established a nonprofit corporation to be known as the ''National Fab Lab Network'' (in this title referred to as the ''corporation''), which shall not be an agency or establishment of the United States Government. The corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–501 et seq.).

SEC. ____5. GOALS AND ACTIVITIES.

(a) GOALS.—The goals of the corporation are as follows:

(1) To provide universal access to digital fabrication.

(2) To foster current and future fab labs.

(3) To create a national network of connected local fab labs to empower individuals and communities in the United States.

(4) To foster the use of distributed digital fabrication tools—

(A) to promote science, technology, engineering and math skills;

(B) to increase invention and innovation;

(C) to create businesses and jobs;

(D) to fulfill personal, professional, and community needs;

(E) to create value and mitigate harm;

(F) to increase self-sufficiency for individuals, households, and communities; and

(G) to align workforce development with new and emerging jobs.

(5) To provide a platform for education, research, and for catalyzing new methods in science, technology, engineering, and mathematics education, and introducing digital fabrication as an essential new literacy.

(6) To create new ways of educating the workforce that will enable workers to compete in a 21st century global marketplace.

(b) ACTIVITIES.—To attain the goals described in subsection (a), the corporation shall carry out activities, including the following:

(1) Seeking to establish a minimum of one fab lab in each Congressional District, prioritizing underserved communities.

(2) Seeking to establish additional labs within the network created under subsection (a)(3), in response to local demand, and to provide guidelines for their sustainable operation.

(3) Linking fab labs into a national network, and promoting further expansion of fab labs across the United States.

(4) Serving as a resource to assist diverse public and private stakeholders with the effective operation of fab labs, and the training of fab lab leaders and mentors.

(5) Maintaining a national registry of fab labs.

(6) Providing standards and protocols for connecting fab labs regionally, nationally, and globally.

(7) Assisting existing fab labs in producing additional fab labs.

SEC. ____6. MEMBERSHIP AND ORGANIZATION.

Except as provided in this title, eligibility for membership in the corporation and the rights and privileges of members shall be in accordance with the laws governing tax exempt organizations in the District of Columbia.

SEC. ____7. GOVERNING BODY.

(a) IN GENERAL.—Except as provided in subsection (b), directors, officers, and other staff of the corporation, and their powers and duties, shall be in accordance with the laws governing tax exempt organizations in the District of Columbia.

(b) BOARD MEMBERSHIP.—

(1) COMPOSITION.—The board of the corporation shall be composed of not fewer than 7 members and not more than 15 members.

(2) REPRESENTATION.—

(A) IN GENERAL.—The membership of the board of the corporation shall collectively represent the diversity of fab labs.

(B) REQUIREMENT.—At a minimum, the board of the corporation shall be composed of members from geographic regions across the United States, Tribal communities, educational and research institutions, libraries, nonprofit and commercial organizations, diverse demographic groups, and the Fab Foundation.

(C) INDIVIDUAL REPRESENTATION.—An individual member of the board of the corporation may represent more than one board role and additional roles may be added to reflect the diversity of the fab lab ecosystem.

(3) SELECTION.—The initial board of the corporation shall be chosen, in consultation with the Fab Foundation and in accordance with paragraph (2)(A), as follows:

(A) Two shall be appointed by the majority leader of the Senate.

(B) Two shall be appointed by the minority leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(D) Two shall be appointed by the minority leader of the House of Representatives.

SEC. ____8. POWERS.

The corporation may—

(1) coordinate the creation of a national network of local fab labs in the United States;

(2) issue guidelines for the sustainable operation of fab labs;

(3) issue standards and guidelines for fab labs;

(4) serve as a resource for organizations and communities seeking to create fab labs by providing information, assessing suitability, advising on the lab lifecycle, and maintaining descriptions of prospective and operating sites;

(5) accept funds from private individuals, organizations, government agencies, or other organizations;

(6) distribute funds to other organizations to establish and operate fab labs as members of the corporation;

(7) facilitate communication between other organizations seeking to join the corporation with operational entities that can source and install fab labs, provide training, assist with operations, account for spending, and assess impact;

(8) communicate the benefits available through membership in the corporation to communities and the public;

(9) facilitate and participate in synergistic programs, including workforce training, job creation, researching the enabling technology and broader impacts of such programs, and the production of civic infrastructure;

(10) develop processes and methods to mitigate risks associated with digital fabrication;

(11) amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(12) choose directors, officers, trustees, managers, employees, and agents as the activities of the corporation require;

(13) make contracts;

(14) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(15) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(16) charge and collect membership dues and subscription fees; and

(17) sue and be sued.

SEC. _____9. EXCLUSIVE RIGHT TO NAME, TERM, SEALS, EMBLEMS, AND BADGES.

The corporation and its participating digital fabrication labs have the exclusive right to use—

(1) the name ''National Fab Lab Network''; and

(2) any seals, emblems, and badges the corporation adopts.

SEC. ___10. RESTRICTIONS.

(a) STOCK AND DIVIDENDS.—The corporation may not issue securities of any kind or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the corporation under this title. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities, but may recognize establishment of the corporation pursuant to section _____4 of this title.

SEC. ___11. RECORDS AND INSPECTION.

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTIONS.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

SEC. ___12. ANNUAL REPORT.

Not less frequently than once each year, the corporation shall submit to Congress, including specifically to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, a report on the activities of the corporation during the prior fiscal year.

SA 1972. Mr. CARDIN (for himself, Mr. WICKER, Ms. CANTWELL, and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION G—MINORITY BUSINESS RESILIENCY

SEC. 7001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Minority Business Resiliency Act of 2021''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 7002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) During times of economic downturn or recession, communities of color, and businesses within those communities, are generally more adversely affected.

(2) Despite the growth in the number of minority business enterprises, gaps remain with respect to key metrics for those enterprises, such as access to capital, revenue, number of employees, and survival rate. Specifically—

(A) according to the 2021 Small Business Credit Survey of the Federal Reserve Banks, Black-owned and Latino-owned employer businesses are more than 2 and 1.5 times more likely to be denied loans, respectively, than White-owned employer businesses;

(B) according to the Bureau of the Census, the average non-minority business enterprise reports revenue that is more than 3 times higher than revenue reported by the average minority business enterprise; and

(C) according to the Kauffman Foundation—

(i) minority business enterprises are ½ as likely to employ individuals, as compared with non-minority business enterprises; and

(ii) if minorities started and owned businesses at the same rate as non-minorities, the economy of the United States would have more than 1,000,000 additional employer businesses and more than 9,500,000 additional jobs.

(3) Because of the conditions described in paragraph (2), it is in the interest of the United States and the economy of the United States to expeditiously ameliorate the disparities that minority business enterprises experience.

(4) Many individuals who own minority business enterprises are socially disadvantaged because those individuals identify as members of certain groups that have suffered the effects of discriminatory practices or similar circumstances over which those individuals have no control, including individuals who are—

(A) Black or African American;

(B) Hispanic or Latino;

(C) American Indian or Alaska Native;

(D) Asian; and

(E) Native Hawaiian or other Pacific Islander.

(5) Discriminatory practices and similar circumstances described in paragraph (4) are a significant determinant of overall economic disadvantage in the United States.

(6) It is in the interest of Congress to address the persistent racial wealth gap in the United States and to support entrepreneurship as a pathway to wealth development.

(7) While other Federal agencies focus only on small businesses and businesses that represent a broader demographic than solely minority business enterprises, the Agency focuses exclusively on—

(A) the unique needs of minority business enterprises; and

(B) enhancing the capacity of minority business enterprises.

(b) PURPOSES.—The purposes of this division are to—

(1) require the Agency to promote and administer programs in the public and private sectors to assist the development of minority business enterprises; and

(2) achieve the development described in paragraph (1) by authorizing the Under Secretary to carry out programs that will result in increased access to capital, management, and technology for minority business enterprises.

SEC. 7003. DEFINITIONS.

In this division:

(1) AGENCY.—The term ''Agency'' means the Minority Business Development Agency of the Department of Commerce.

(2) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE ENTITY.—Except as otherwise expressly provided, the term ''eligible entity''—

(A) means—

(i) a private sector entity;

(ii) a public sector entity; or

(iii) a Tribal government; and

(B) includes an institution of higher education.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(5) FEDERALLY RECOGNIZED AREA OF ECONOMIC DISTRESS.—The term ''federally recognized area of economic distress'' means—

(A) a HUBZone, as that term is defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) an area that—

(i) has been designated as—

(I) an empowerment zone under section 1391 of the Internal Revenue Code of 1986; or

(II) a Promise Zone by the Secretary of Housing and Urban Development; or

(ii) is a low or moderate income area, as determined by the Department of Housing and Urban Development;

(C) a qualified opportunity zone, as that term is defined in section 1400Z–1 of the Internal Revenue Code of 1986; or

(D) any other political subdivision or unincorporated area of a State determined by the Under Secretary to be an area of economic distress.

(6) INDIAN TRIBE.—The term ''Indian Tribe''—

(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and

(B) includes a Native Hawaiian organization.

(7) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(8) MBDA BUSINESS CENTER.—The term ''MBDA Business Center'' means any business center that—

(A) is established by the Agency; and

(B) provides technical business assistance to minority business enterprises consistent with the requirements of this division.

(9) MBDA BUSINESS CENTER AGREEMENT.—The term ''MBDA Business Center agreement'' means a legal instrument—

(A) reflecting a relationship between the Agency and the recipient of a Federal assistance award that is the subject of the instrument; and

(B) that establishes the terms by which the recipient described in subparagraph (A) shall operate an MBDA Business Center.

(10) MINORITY BUSINESS ENTERPRISE.—

(A) IN GENERAL.—The term ''minority business enterprise'' means a business enterprise—

(i) that is not less than 51 percent-owned by 1 or more socially or economically disadvantaged individuals; and

(ii) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to exclude a business enterprise from qualifying as a ''minority business enterprise'' under that subparagraph because of—

(i) the status of the business enterprise as a for-profit or not-for-profit enterprise; or

(ii) the annual revenue of the business enterprise.

(11) PRIVATE SECTOR ENTITY.—The term ''private sector entity''—

(A) means an entity that is not a public sector entity; and

(B) does not include—

(i) the Federal Government;

(ii) any Federal agency; or

(iii) any instrumentality of the Federal Government.

(12) PUBLIC SECTOR ENTITY.—The term ''public sector entity'' means—

(A) a State;

(B) an agency of a State;

(C) a political subdivision of a State; or

(D) an agency of a political subdivision of a State.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(14) SOCIALLY OR ECONOMICALLY DISADVANTAGED BUSINESS CONCERN.—The term ''socially or economically disadvantaged business concern'' means a for-profit business enterprise—

(A)(i) that is not less than 51 percent owned by 1 or more socially or economically disadvantaged individuals; or

(ii) that is socially or economically disadvantaged; or

(B) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.

(15) SOCIALLY OR ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

(A) IN GENERAL.—The term ''socially or economically disadvantaged individual'' means an individual who has been subjected to racial or ethnic prejudice or cultural bias (or the ability of whom to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area) because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity.

(B) PRESUMPTION.—In carrying out this division, the Under Secretary shall presume that the term ''socially or economically disadvantaged individual'' includes any individual who is—

(i) Black or African American;

(ii) Hispanic or Latino;

(iii) American Indian or Alaska Native;

(iv) Asian;

(v) Native Hawaiian or other Pacific Islander; or

(vi) a member of a group that the Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance.

(16) SPECIALTY CENTER.—The term ''specialty center'' means an MBDA Business Center that provides specialty services focusing on specific business needs, including assistance relating to—

(A) capital access;

(B) Federal procurement;

(C) entrepreneurship;

(D) technology transfer; or

(E) any other area determined necessary or appropriate based on the priorities of the Agency.

(17) STATE.—The term ''State'' means—

(A) each of the States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the United States Virgin Islands;

(E) Guam;

(F) American Samoa;

(G) the Commonwealth of the Northern Mariana Islands; and

(H) each Indian Tribe.

(18) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Minority Business Development, who is appointed as described in section 7004(b) to administer this division.

SEC. 7004. MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) IN GENERAL.—There is within the Department of Commerce the Minority Business Development Agency.

(b) UNDER SECRETARY.—

(1) APPOINTMENT AND DUTIES.—The Agency shall be headed by the Under Secretary of Commerce for Minority Business Development, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) except as otherwise expressly provided, be responsible for the administration of this division; and

(C) report directly to the Secretary.

(2) COMPENSATION.—

(A) IN GENERAL.—The Under Secretary shall be compensated at an annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) TECHNICAL AND CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking ''and Under Secretary of Commerce for Travel and Tourism'' and inserting ''Under Secretary of Commerce for Travel and Tourism, and Under Secretary of Commerce for Minority Business Development''.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the organizational structure of the Agency;

(2) the organizational position of the Agency within the Department of Commerce; and

(3) a description of how the Agency shall function in relation to the operations carried out by each other component of the Department of Commerce.

(d) OFFICE OF BUSINESS CENTERS.—

(1) ESTABLISHMENT.—There is established within the Agency the Office of Business Centers.

(2) DIRECTOR.—The Office of Business Centers shall be administered by a Director, who shall be appointed by the Under Secretary.

(e) OFFICES OF THE AGENCY.—

(1) IN GENERAL.—In addition to the regional offices that the Under Secretary is required to establish under paragraph (2), the Under Secretary shall establish such other offices within the Agency as are necessary to carry out this division.

(2) REGIONAL OFFICES.—

(A) IN GENERAL.—In order to carry out this division, the Under Secretary shall establish a regional office of the Agency for each of the regions of the United States, as determined by the Under Secretary.

(B) DUTIES.—Each regional office established under subparagraph (A) shall expand the reach of the Agency and enable the Federal Government to better serve the needs of minority business enterprises in the region served by the office, including by—

(i) understanding and participating in the business environment of that region;

(ii) working with—

(I) MBDA Business Centers that are located in that region;

(II) resource and lending partners of other appropriate Federal agencies that are located in that region; and

(III) Federal, State, and local procurement offices that are located in that region;

(iii) being aware of business retention or expansion programs that are specific to that region;

(iv) seeking out opportunities to collaborate with regional public and private programs that focus on minority business enterprises; and

(v) promoting business continuity and preparedness.

TITLE I—EXISTING INITIATIVES

Subtitle A—Market Development, Research, and Information

SEC. 7101. PRIVATE SECTOR DEVELOPMENT.

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) provide Federal assistance to minority business enterprises operating in domestic and foreign markets by making available to those business enterprises, either directly or in cooperation with private sector entities, including community-based organizations and national nonprofit organizations—

(A) resources relating to management;

(B) technological and technical assistance;

(C) financial, legal, and marketing services; and

(D) services relating to workforce development;

(2) encourage minority business enterprises to establish joint ventures and projects—

(A) with other minority business enterprises; or

(B) in cooperation with public sector entities or private sector entities, including community-based organizations and national nonprofit organizations, to increase the share of any market activity being performed by minority business enterprises; and

(3) facilitate the efforts of private sector entities and Federal agencies to advance the growth of minority business enterprises.

SEC. 7102. PUBLIC SECTOR DEVELOPMENT.

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) consult and cooperate with public sector entities for the purpose of leveraging resources available in the jurisdictions of those public sector entities to promote the position of minority business enterprises in the local economies of those public sector entities, including by assisting public sector entities to establish or enhance—

(A) programs to procure goods and services through minority business enterprises and goals for that procurement;

(B) programs offering assistance relating to—

(i) management;

(ii) technology;

(iii) law;

(iv) financing, including accounting;

(v) marketing; and

(vi) workforce development; and

(C) informational programs designed to inform minority business enterprises located in the jurisdictions of those public sector entities about the availability of programs described in this section;

(2) meet with leaders and officials of public sector entities for the purpose of recommending and promoting local administrative and legislative initiatives needed to advance the position of minority business enterprises in the local economies of those public sector entities; and

(3) facilitate the efforts of public sector entities and Federal agencies to advance the growth of minority business enterprises.

SEC. 7103. RESEARCH AND INFORMATION.

(a) IN GENERAL.—In order to achieve the purposes of this division, the Under Secretary—

(1) shall—

(A) collect and analyze data, including data relating to the causes of the success or failure of minority business enterprises;

(B) conduct research, studies, and surveys of—

(i) economic conditions generally in the United States; and

(ii) how the conditions described in clause (i) particularly affect the development of minority business enterprises; and

(C) provide outreach, educational services, and technical assistance in, at a minimum, the 5 most commonly spoken languages in the United States to ensure that limited-English proficient individuals receive culturally and linguistically appropriate access to the services and information provided by the Agency; and

(2) may perform an evaluation of programs carried out by the Under Secretary that are designed to assist the development of minority business enterprises.

(b) INFORMATION CLEARINGHOUSE.—The Under Secretary shall—

(1) establish and maintain an information clearinghouse for the collection and dissemination to relevant parties (including business owners and researchers) of demographic, economic, financial, managerial, and technical data relating to minority business enterprises; and

(2) take such steps as the Under Secretary may determine to be necessary and desirable to—

(A) search for, collect, classify, coordinate, integrate, record, and catalog the data described in paragraph (1); and

(B) in a manner that is consistent with section 552a of title 5, United States Code, protect the privacy of the minority business enterprises to which the data described in paragraph (1) relates.

Subtitle B—Minority Business Development Agency Business Center Program

SEC. 7111. DEFINITION.

In this subtitle, the term ''MBDA Business Center Program'' means the program established under section 7113.

SEC. 7112. PURPOSE.

The purpose of the MBDA Business Center Program shall be to create a national network of public-private partnerships that—

(1) assist minority business enterprises to—

(A) access capital, contracts, and grants; and

(B) create and maintain jobs;

(2) provide counseling and mentoring to minority business enterprises; and

(3) facilitate the growth of minority business enterprises by promoting trade.

SEC. 7113. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Agency a program—

(1) that shall be known as the MBDA Business Center Program;

(2) that shall be separate and distinct from the efforts of the Under Secretary under section 7101; and

(3) under which the Under Secretary shall make Federal assistance awards to eligible entities to operate MBDA Business Centers, which shall, in accordance with section 7114, provide technical assistance and business development services, or specialty services, to minority business enterprises.

(b) COVERAGE.—The Under Secretary shall take all necessary actions to ensure that the MBDA Business Center Program, in accordance with section 7114, offers the services described in subsection (a)(3) in all regions of the United States.

SEC. 7114. GRANTS AND COOPERATIVE AGREEMENTS.

(a) REQUIREMENTS.—An MBDA Business Center (referred to in this subtitle as a ''Center''), with respect to the Federal financial assistance award made to operate the Center under the MBDA Business Center Program—

(1) shall—

(A) provide to minority business enterprises programs and services determined to be appropriate by the Under Secretary, which may include—

(i) referral services to meet the needs of minority business enterprises; and

(ii) programs and services to accomplish the goals described in section 7101(1);

(B) develop, cultivate, and maintain a network of strategic partnerships with organizations that foster access by minority business enterprises to economic markets, capital, or contracts;

(C) continue to upgrade and modify the services provided by the Center, as necessary, in order to meet the changing and evolving needs of the business community;

(D) establish or continue a referral relationship with not less than 1 community-based organization; and

(E) collaborate with other Centers; and

(2) in providing programs and services under the applicable MBDA Business Center agreement, may—

(A) operate on a fee-for-service basis; or

(B) generate income through the collection of—

(i) client fees;

(ii) membership fees; and

(iii) any other appropriate fees proposed by the Center in the application submitted by the Center under subsection (e).

(b) TERM.—Subject to subsection (g)(3), the term of an MBDA Business Center agreement shall be not less than 3 years.

(c) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The amount of financial assistance provided by the Under Secretary under an MBDA Business Center agreement shall be not less than $250,000 for the term of the agreement.

(2) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A Center shall match not less than ⅓ of the amount of the financial assistance awarded to the Center under the terms of the applicable MBDA Business Center agreement, unless the Under Secretary determines that a waiver of that requirement is necessary after a demonstration by the Center of a substantial need for that waiver.

(B) FORM OF FUNDS.—A Center may meet the matching requirement under subparagraph (A) by using—

(i) cash or in-kind contributions, without regard to whether the contribution is made by a third party; or

(ii) Federal funds received from other Federal programs.

(3) USE OF FINANCIAL ASSISTANCE AND PROGRAM INCOME.—A Center shall use—

(A) all financial assistance awarded to the Center under the applicable MBDA Business Center agreement to carry out subsection (a); and

(B) all income that the Center generates in carrying out subsection (a)—

(i) to meet the matching requirement under paragraph (2) of this subsection; and

(ii) if the Center meets the matching requirement under paragraph (2) of this subsection, to carry out subsection (a).

(d) CRITERIA FOR SELECTION.—The Under Secretary shall—

(1) establish criteria that—

(A) the Under Secretary shall use in determining whether to enter into an MBDA Business Center agreement with an eligible entity; and

(B) may include criteria relating to whether an eligible entity is located in—

(i) an area, the population of which is composed of not less than 51 percent socially or economically disadvantaged individuals, as

determined in accordance with data collected by the Bureau of the Census;

(ii) a federally recognized area of economic distress; or

(iii) a State that is underserved with respect to the MBDA Business Center Program, as defined by the Under Secretary; and

(2) make the criteria and standards established under paragraph (1) publicly available, including—

(A) on the website of the Agency; and

(B) in each Notice of Funding Opportunity soliciting MBDA Business Center agreements.

(e) APPLICATIONS.—An eligible entity desiring to enter into an MBDA Business Center agreement shall submit to the Under Secretary an application that includes—

(1) a statement of—

(A) how the eligible entity will carry out subsection (a); and

(B) any experience or plans of the eligible entity with respect to—

(i) assisting minority business enterprises to—

(I) obtain—

(aa) large-scale contracts, grants, or procurements;

(bb) financing; or

(cc) legal assistance;

(II) access established supply chains; and

(III) engage in—

(aa) joint ventures, teaming arrangements, and mergers and acquisitions; or

(bb) large-scale transactions in global markets;

(ii) supporting minority business enterprises in increasing the size of the workforces of those enterprises, including, with respect to a minority business enterprise that does not have employees, aiding the minority business enterprise in becoming an enterprise that has employees; and

(iii) advocating for minority business enterprises; and

(2) the budget and corresponding budget narrative that the eligible entity will use in carrying out subsection (a) during the term of the applicable MBDA Business Center agreement.

(f) NOTIFICATION.—If the Under Secretary grants an application of an eligible entity submitted under subsection (e), the Under Secretary shall notify the eligible entity that the application has been granted not later than 150 days after the last day on which an application may be submitted under that subsection.

(g) PROGRAM EXAMINATION; ACCREDITATION; EXTENSIONS.—

(1) EXAMINATION.—Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Under Secretary shall conduct a programmatic financial examination of each Center.

(2) ACCREDITATION.—The Under Secretary may provide financial support, by contract or otherwise, to an association, not less than 51 percent of the members of which are Centers, to—

(A) pursue matters of common concern with respect to Centers; and

(B) develop an accreditation program with respect to Centers.

(3) EXTENSIONS.—

(A) IN GENERAL.—The Under Secretary may extend the term under subsection (b) of an MBDA Business Center agreement to which a Center is a party, if the Center consents to the extension.

(B) FINANCIAL ASSISTANCE.—If the Under Secretary extends the term of an MBDA Business Center agreement under paragraph (1), the Under Secretary shall, in the same manner and amount in which financial assistance was provided during the initial term of the agreement, provide financial assistance under the agreement during the extended term of the agreement.

(h) MBDA INVOLVEMENT.—The Under Secretary may take actions to ensure that the Agency is substantially involved in the activities of Centers in carrying out subsection (a), including by—

(1) providing to each Center training relating to the MBDA Business Center Program;

(2) requiring that the operator and staff of each Center—

(A) attend—

(i) a conference with the Agency to establish the services and programs that the Center will provide in carrying out the requirements before the date on which the Center begins providing those services and programs; and

(ii) training provided under paragraph (1);

(B) receive necessary guidance relating to carrying out the requirements under subsection (a); and

(C) work in coordination and collaboration with the Under Secretary to carry out the MBDA Business Center Program and other programs of the Agency;

(3) facilitating connections between Centers and—

(A) Federal agencies other than the Agency, as appropriate; and

(B) other institutions or entities that use Federal resources, such as—

(i) small business development centers, as that term is defined in section 3(t) of the Small Business Act (15 U.S.C. 632(t));

(ii) women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656);

(iii) eligible entities, as that term is defined in section 2411 of title 10, United States Code, that provide services under the program carried out under chapter 142 of that title; and

(iv) entities participating in the Hollings Manufacturing Extension Partnership Program established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(4) monitoring projects carried out by each Center; and

(5) establishing and enforcing administrative and reporting requirements for each Center to carry out subsection (a).

(i) REGULATIONS.—The Under Secretary shall issue and publish regulations that establish minimum standards regarding verification of minority business enterprise status for clients of entities operating under the MBDA Business Center Program.

SEC. 7115. MINIMIZING DISRUPTIONS TO EXISTING MBDA BUSINESS CENTER PROGRAM.

The Under Secretary shall ensure that each Federal assistance award made under the Business Centers program of the Agency, as is in effect on the day before the date of enactment of this Act, is carried out in a manner that, to the greatest extent practicable, prevents disruption of any activity carried out under that award.

SEC. 7116. PUBLICITY.

In carrying out the MBDA Business Center Program, the Under Secretary shall widely publicize the MBDA Business Center Program, including—

(1) on the website of the Agency;

(2) via social media outlets; and

(3) by sharing information relating to the MBDA Business Center Program with community-based organizations, including interpretation groups where necessary, to communicate in the most common languages spoken by the groups served by those organizations.

TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES

SEC. 7201. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL FORMATION.

(a) RESPONSIBILITY OF AGENCY.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Under Secretary shall conduct a Government-business forum to review the current status of problems and programs relating to capital formation by minority business enterprises.

(b) PARTICIPATION IN FORUM PLANNING.—The Under Secretary shall invite the heads of other Federal agencies, such as the Chairman of the Securities and Exchange Commission, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, organizations representing State securities commissioners, representatives of leading minority chambers of commerce, not less than 1 certified owner of a minority business enterprise, business organizations, and professional organizations concerned with capital formation to participate in the planning of each forum conducted under subsection (a).

(c) PREPARATION OF STATEMENTS AND REPORTS.—

(1) REQUESTS.—The Under Secretary may request that any head of a Federal department, agency, or organization, including those described in subsection (b), or any other group or individual, prepare a statement or report to be delivered at any forum conducted under subsection (a).

(2) COOPERATION.—Any head of a Federal department, agency, or organization who receives a request under paragraph (1) shall, to the greatest extent practicable, cooperate with the Under Secretary to fulfill that request.

(d) TRANSMITTAL OF PROCEEDINGS AND FINDINGS.—The Under Secretary shall—

(1) prepare a summary of the proceedings of each forum conducted under subsection (a), which shall include the findings and recommendations of the forum; and

(2) transmit the summary described in paragraph (1) with respect to each forum conducted under subsection (a) to—

(A) the participants in the forum;

(B) Congress; and

(C) the public, through a publicly available website.

(e) REVIEW OF FINDINGS AND RECOMMENDATIONS; PUBLIC STATEMENTS.—

(1) IN GENERAL.—A Federal agency to which a finding or recommendation described in subsection (d)(1) relates shall—

(A) review that finding or recommendation; and

(B) promptly after the finding or recommendation is transmitted under subsection (d)(2)(C), issue a public statement—

(i) assessing the finding or recommendation; and

(ii) disclosing the action, if any, the Federal agency intends to take with respect to the finding or recommendation.

(2) JOINT STATEMENT PERMITTED.—If a finding or recommendation described in subsection (d)(1) relates to more than 1 Federal agency, the applicable Federal agencies may, for the purposes of the public statement required under paragraph (1)(B), issue a joint statement.

SEC. 7202. AGENCY STUDY ON ALTERNATIVE FINANCING SOLUTIONS.

(a) PURPOSE.—The purpose of this section is to provide information relating to alternative financing solutions to minority business enterprises, as those business enterprises are more likely to struggle in accessing, particularly at affordable rates, traditional sources of capital.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall—

(1) conduct a study on opportunities for providing alternative financing solutions to minority business enterprises; and

(2) submit to Congress, and publish on the website of the Agency, a report describing the findings of the study carried out under paragraph (1).

SEC. 7203. EDUCATIONAL DEVELOPMENT RELATING TO MANAGEMENT AND ENTREPRENEURSHIP.

(a) DUTIES.—The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) promote the education and training of socially or economically disadvantaged individuals in subjects directly relating to business administration and management;

(2) encourage institutions of higher education, leaders in business and industry, and other public sector entities and private sector entities, particularly minority business enterprises, to—

(A) develop programs to offer scholarships and fellowships, apprenticeships, and internships relating to business to socially or economically disadvantaged individuals; and

(B) sponsor seminars, conferences, and similar activities relating to business for the benefit of socially or economically disadvantaged individuals;

(3) stimulate and accelerate curriculum design and improvement in support of development of minority business enterprises; and

(4) encourage and assist private institutions and organizations and public sector entities to undertake activities similar to the activities described in paragraphs (1), (2), and (3).

(b) PARREN J. MITCHELL ENTREPRENEURSHIP EDUCATION GRANTS.—

(1) DEFINITION.—In this subsection, the term ''eligible institution'' means an institution of higher education described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(2) GRANTS.—The Under Secretary shall award grants to eligible institutions to develop and implement entrepreneurship curricula.

(3) REQUIREMENTS.—An eligible institution to which a grant is awarded under this subsection shall use the grant funds to—

(A) develop a curriculum that includes training in various skill sets needed by contemporary successful entrepreneurs, including—

(i) business management and marketing;

(ii) financial management and accounting;

(iii) market analysis;

(iv) competitive analysis;

(v) innovation;

(vi) strategic and succession planning;

(vii) marketing; and

(viii) any other skill set that the eligible institution determines is necessary for the students served by the eligible institution and the community in which the eligible institution is located; and

(B) implement the curriculum developed under subparagraph (A) at the eligible institution.

(4) IMPLEMENTATION TIMELINE.—The Under Secretary shall establish and publish a timeline under which an eligible institution to which a grant is awarded under this section shall carry out the requirements under paragraph (3).

(5) REPORTS.—Each year, the Under Secretary shall submit to all applicable committees of Congress, and as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, a report evaluating the awarding and use of grants under this subsection during the fiscal year immediately preceding the date on which the report is submitted, which shall include, with respect to that fiscal year—

(A) a description of each curriculum developed and implemented under each grant awarded under this section;

(B) the date on which each grant awarded under this section was awarded; and

(C) the number of eligible entities that were recipients of grants awarded under this section.

TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM

SEC. 7301. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a part B institution; or

(B) a consortium of institutions of higher education that is led by a part B institution.

(3) MBDA RURAL BUSINESS CENTER.—The term ''MBDA Rural Business Center'' means an MBDA Business Center that provides technical business assistance to minority business enterprises located in rural areas.

(4) MBDA RURAL BUSINESS CENTER AGREEMENT.—The term ''MBDA Rural Business Center agreement'' means an MBDA Business Center agreement that establishes the terms by which the recipient of the Federal assistance award that is the subject of the agreement shall operate an MBDA Rural Business Center.

(5) PART B INSTITUTION.—The term ''part B institution'' has the meaning given the term in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(6) RURAL AREA.—The term ''rural area'' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

(7) RURAL MINORITY BUSINESS ENTERPRISE.—The term ''rural minority business enterprise'' means a minority business enterprise located in a rural area.

SEC. 7302. BUSINESS CENTERS.

(a) IN GENERAL.—The Under Secretary may establish MBDA Rural Business Centers.

(b) PARTNERSHIP.—

(1) IN GENERAL.—With respect to an MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall establish the MBDA Rural Business Center in partnership with an eligible entity in accordance with paragraph (2).

(2) MBDA AGREEMENT.—

(A) IN GENERAL.—With respect to each MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall enter into a cooperative agreement with an eligible entity that provides that—

(i) the eligible entity shall provide space, facilities, and staffing for the MBDA Rural Business Center;

(ii) the Under Secretary shall provide funding for, and oversight with respect to, the MBDA Rural Business Center; and

(iii) subject to subparagraph (B), the eligible entity shall match 20 percent of the amount of the funding provided by the Under Secretary under clause (ii), which may be calculated to include the costs of providing the space, facilities, and staffing under clause (i).

(B) LOWER MATCH REQUIREMENT.—Based on the available resources of an eligible entity, the Under Secretary may enter into a cooperative agreement with the eligible entity that provides that—

(i) the eligible entity shall match less than 20 percent of the amount of the funding provided by the Under Secretary under subparagraph (A)(ii); or

(ii) if the Under Secretary makes a determination, upon a demonstration by the eligible entity of substantial need, the eligible entity shall not be required to provide any match with respect to the funding provided by the Under Secretary under subparagraph (A)(ii).

(C) ELIGIBLE FUNDS.—An eligible entity may provide matching funds required under an MBDA Rural Business Center agreement with Federal funds received from other Federal programs.

(3) TERM.—The initial term of an MBDA Rural Business Center agreement shall be not less than 3 years.

(4) EXTENSION.—The Under Secretary and an eligible entity may agree to extend the term of an MBDA Rural Business Center agreement with respect to an MBDA Rural Business Center.

(c) FUNCTIONS.—An MBDA Rural Business Center shall—

(1) primarily serve clients that are—

(A) rural minority business enterprises; or

(B) minority business enterprises that are located more than 50 miles from an MBDA Business Center (other than that MBDA Rural Business Center);

(2) focus on—

(A) issues relating to—

(i) the adoption of broadband internet access service (as defined in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation), digital literacy skills, and e-commerce by rural minority business enterprises;

(ii) advanced manufacturing;

(iii) the promotion of manufacturing in the United States;

(iv) ways in which rural minority business enterprises can meet gaps in the supply chain of critical supplies and essential goods and services for the United States;

(v) improving the connectivity of rural minority business enterprises through transportation and logistics;

(vi) promoting trade and export opportunities by rural minority business enterprises;

(vii) securing financial capital;

(viii) facilitating entrepreneurship in rural areas; and

(ix) creating jobs in rural areas; and

(B) any other issue relating to the unique challenges faced by rural minority business enterprises; and

(3) provide education, training, and legal, financial, and technical assistance to minority business enterprises.

(d) APPLICATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Under Secretary shall issue a Notice of Funding Opportunity requesting applications from eligible entities that desire to enter into MBDA Rural Business Center agreements.

(2) CRITERIA AND PRIORITY.—In selecting an eligible entity with which to enter into an MBDA Rural Business Center agreement, the Under Secretary shall—

(A) select an eligible entity that demonstrates—

(i) the ability to collaborate with governmental and private sector entities to leverage capabilities of minority business enterprises through public-private partnerships;

(ii) the research and extension capacity to support minority business enterprises;

(iii) knowledge of the community that the eligible entity serves and the ability to conduct effective outreach to that community to advance the goals of an MBDA Rural Business Center;

(iv) the ability to provide innovative business solutions, including access to contracting opportunities, markets, and capital;

(v) the ability to provide services that advance the development of science, technology, engineering, and math jobs within minority business enterprises;

(vi) the ability to leverage resources from within the eligible entity to advance an MBDA Rural Business Center;

(vii) that the mission of the eligible entity aligns with the mission of the Agency;

(viii) the ability to leverage relationships with rural minority business enterprises; and

(ix) a referral relationship with not less than 1 community-based organization; and

(B) give priority to an eligible entity located in a State or region that—

(i) lacks an MBDA Business Center, as of the date of enactment of this Act; or

(ii) has a significant population of socially or economically disadvantaged individuals.

SEC. 7303. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes—

(1) a summary of the efforts of the Under Secretary to provide services to minority business enterprises located in States that lack an MBDA Business Center, as of the date of enactment of this Act, and especially in those States that have significant minority populations; and

(2) recommendations for extending the outreach of the Agency to underserved areas.

SEC. 7304. STUDY AND REPORT.

(a) IN GENERAL.—The Under Secretary, in coordination with relevant leadership of the Agency and relevant individuals outside of the Department of Commerce, shall conduct a study that addresses the ways in which minority business enterprises can meet gaps in the supply chain of the United States, with a particular focus on the supply chain of advanced manufacturing and essential goods and services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes the results of the study conducted under subsection (a), which shall include recommendations regarding the ways in which minority business enterprises can meet gaps in the supply chain of the United States.

TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

SEC. 7401. GRANTS TO NONPROFIT ORGANIZATIONS THAT SUPPORT MINORITY BUSINESS ENTERPRISES.

(a) DEFINITION.—In this section, the term ''covered entity'' means a private nonprofit organization that—

(1) is described in paragraph (3), (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) can demonstrate that a primary activity of the organization is to provide services to minority business enterprises, whether through education, making grants or loans, or other similar activities.

(b) PURPOSE.—The purpose of this section is to make grants to covered entities to help those covered entities continue the necessary work of supporting minority business enterprises.

(c) ESTABLISHMENT OF OFFICE.—Not later than 180 days after the date of enactment of this Act, the Under Secretary shall establish within the Agency an office that has adequate staffing to make and administer grants under this section.

(d) APPLICATION.—A covered entity desiring a grant under this section shall submit to the Under Secretary an application at such time, in such manner, and containing such information as the Under Secretary may require.

(e) PRIORITY.—The Under Secretary shall, in carrying out this section, prioritize granting an application submitted by a covered entity that is located in a federally recognized area of economic distress.

(f) USE OF FUNDS.—A covered entity to which a grant is made under this section may use the grant funds to support the development, growth, or retention of minority business enterprises.

(g) PROCEDURES.—The Under Secretary shall establish procedures to—

(1) discourage and prevent waste, fraud, and abuse by applicants for, and recipients of, grants made under this section; and

(2) ensure that grants are made under this section to a diverse array of covered entities, including—

(A) covered entities with a national presence;

(B) community-based covered entities;

(C) covered entities with annual budgets below $1,000,000; and

(D) covered entities that principally serve low-income and rural communities.

(h) INSPECTOR GENERAL AUDIT.—Not later than 180 days after the date on which the Under Secretary begins making grants under this section, the Inspector General of the Department of Commerce shall—

(1) conduct an audit of grants made under this section, which shall seek to identify any discrepancies or irregularities with respect to those grants; and

(2) submit to Congress a report regarding the audit conducted under paragraph (1).

(i) UPDATES TO CONGRESS.—Not later than 90 days after the date on which the Under Secretary establishes the office described in subsection (c), and once every 30 days thereafter, the Under Secretary shall submit to Congress a report that contains—

(1) the number of grants made under this section during the period covered by the report; and

(2) with respect to the grants described in paragraph (1)—

(A) the geographic distribution of those grants by State and county;

(B) if applicable, demographic information with respect to the minority business enterprises served by the covered entities to which the grants were made; and

(C) information regarding the industries of the minority business enterprises served by the covered entities to which the grants were made.

TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

SEC. 7501. PURPOSE.

The Under Secretary shall establish the Minority Business Enterprises Advisory Council (referred to in this title as the ''Council'') to advise and assist the Agency.

SEC. 7502. COMPOSITION AND TERM.

(a) COMPOSITION.—The Council shall be composed of 9 members of the private sector and 1 representative from each of not fewer than 10 Federal agencies that support or otherwise have duties that relate to business formation, including duties relating to labor development, monetary policy, national security, energy, agriculture, transportation, and housing.

(b) CHAIR.—The Under Secretary shall designate 1 of the private sector members of the Council as the Chair of the Council for a 1-year term.

(c) TERM.—The Council shall meet at the request of the Under Secretary and members shall serve for a term of 2 years. Members of the Council may be reappointed.

SEC. 7503. DUTIES.

(a) IN GENERAL.—The Council shall provide advice to the Under Secretary by—

(1) serving as a source of knowledge and information on developments in areas of the economic and social life of the United States that affect socially or economically disadvantaged business concerns;

(2) providing the Under Secretary with information regarding plans, programs, and activities in the public and private sectors that relate to socially or economically disadvantaged business concerns; and

(3) advising the Under Secretary regarding—

(A) any measures to better achieve the objectives of this division; and

(B) problems and matters the Under Secretary refers to the Council.

(b) CAPACITY.—Members of the Council shall not be compensated for service on the Council but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) TERMINATION.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Council shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

SEC. 7601. GENERAL DUTIES.

The Under Secretary may coordinate, as consistent with law, the plans, programs, and operations of the Federal Government that affect, or may contribute to, the establishment, preservation, and strengthening of socially or economically disadvantaged business concerns.

SEC. 7602. PARTICIPATION OF FEDERAL DEPARTMENTS AND AGENCIES.

The Under Secretary shall—

(1) consult with other Federal departments and agencies as appropriate to—

(A) develop policies, comprehensive plans, and specific program goals for the programs carried out under subtitle B of title I and title III;

(B) establish regular performance monitoring and reporting systems to ensure that goals established by the Under Secretary with respect to the implementation of this division are being achieved; and

(C) evaluate the impact of Federal support of socially or economically disadvantaged business concerns in achieving the objectives of this division;

(2) conduct a coordinated review of all proposed Federal training and technical assistance activities in direct support of the programs carried out under subtitle B of title I and title III to ensure consistency with program goals and to avoid duplication; and

(3) convene, for purposes of coordination, meetings of the heads of such departments and agencies, or their designees, the programs and activities of which may affect or contribute to the carrying out of this division.

TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

SEC. 7701. ADMINISTRATIVE POWERS.

(a) IN GENERAL.—In carrying out this division, the Under Secretary may—

(1) adopt and use a seal for the Agency, which shall be judicially noticed;

(2) hold hearings, sit and act, and take testimony as the Under Secretary may determine to be necessary or appropriate to carry out this division;

(3) acquire, in any lawful manner, any property that the Under Secretary determines to be necessary or appropriate to carry out this division;

(4) with the consent of another Federal agency, enter into an agreement with that Federal agency to utilize, with or without

reimbursement, any service, equipment, personnel, or facility of that Federal agency; and

(5) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies.

(b) USE OF PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out this division, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this division.

(2) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1).

SEC. 7702. FEDERAL ASSISTANCE.

(a) IN GENERAL.—

(1) PROVISION OF FEDERAL ASSISTANCE.—To carry out sections 7101, 7102, and 7103(a), the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements.

(2) NOTICE.—Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including—

(A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available;

(B) the types of Federal assistance that will, or may, be made available;

(C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Under Secretary to make allocations under subparagraph (C).

(3) CONSULTATION.—The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1).

(b) PUBLICITY.—In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section 7116.

SEC. 7703. RECORDKEEPING.

(a) IN GENERAL.—Each recipient of assistance under this division shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this division—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency; and

(5) any other record that will facilitate an effective audit with respect to the assistance.

(b) ACCESS BY GOVERNMENT OFFICIALS.—The Under Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center.

SEC. 7704. REVIEW AND REPORT BY COMPTROLLER GENERAL.

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this division; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this division;

(B) a description of any failure by any recipient of assistance under this division to comply with the requirements under this division; and

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this division.

SEC. 7705. BIANNUAL REPORTS; RECOMMENDATIONS.

(a) BIANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and 90 days after the last day of each odd-numbered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this division during the period covered by the report.

(b) RECOMMENDATIONS.—The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this division.

SEC. 7706. SEPARABILITY.

If a provision of this division, or the application of a provision of this division to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this division; or

(B) the application of this division to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this division with respect to which the judgment is rendered; or

(B) the application of the provision of this division to each person or circumstance directly involved in the controversy in which the judgment is rendered.

SEC. 7707. EXECUTIVE ORDER 11625.

The powers and duties of the Agency shall be determined—

(1) in accordance with this division and the requirements of this division; and

(2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

SEC. 7708. AMENDMENT TO THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994.

Section 7104(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644a(c)) is amended by striking paragraph (2) and inserting the following:

''(2) The Under Secretary of Commerce for Minority Business Development.''.

SEC. 7709. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Under Secretary $100,000,000 for each of fiscal years 2021 through 2025 to carry out this division, of which—

(1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under subtitle B of title I, including the component of that program relating to specialty centers; and

(2) $10,000,000 shall be used in each such fiscal year to carry out title III.

SA 1973. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FINDINGS AND SENSE OF THE SENATE REGARDING AN INVESTIGATION TO DETERMINE THE ORIGINS OF COVID–19.

(a) FINDINGS.—Congress finds the following:

(1) COVID–19 has taken the lives of over 3,000,000 individuals around the world.

(2) Understanding the origins of the COVID–19 pandemic is essential to addressing our vulnerabilities and preventing future crises.

(3) In May 2020, the World Health Assembly did not authorize the type of comprehensive investigation into the origins of COVID–19 that was required, and instead passed a significantly limited compromise resolution, with Chinese government support, which did not explicitly include in its scope the possibility of a research-related accident.

(4) The 2020 World Health Assembly resolution and its terms of reference, which were negotiated privately between the World Health Organization (in this section referred to as ''WHO'') and Chinese authorities, handed the Chinese government control over the joint-study process by giving the Chinese government veto power over which international experts were allowed to participate in the joint study and by agreeing that most primary research would be carried out by Chinese teams without ensuring broad access to primary data by international experts.

(5) As a result of these terms, the significant structural, procedural, and analytical shortcomings of the joint study, and the severe restrictions imposed by Chinese authorities, the WHO-convened joint study into the origins of COVID–19 was prevented from giving a balanced consideration of the multiple theories of the origin of COVID–19.

(6) Only 4 of the 313 pages of the joint-study team report and its annexes addressed the possibility of a laboratory accident, and no thorough examination of the lab incident hypothesis was carried out by the joint-study team.

(7) Some of the international experts on the joint-study team stated that they lacked the means and resources to properly investigate the research-related accident hypothesis, and they were neither able nor meant to do such a full investigation but instead were acting as a ''study review group''.

(8) WHO Director-General Dr. Tedros Adhanom Ghebreyesus commented on March 30, 2021, the day the joint-study report was released, ''I do not believe that [the joint-study team's] assessment [of a possible lab incident] was extensive enough. Further data and studies will be needed to reach more robust conclusions . . . potentially with additional missions involving specialist experts, which I am ready to deploy.''.

(9) The WHO Director-General further commented, ''As far as WHO is concerned all hypotheses remain on the table . . . We have not yet found the source of the virus, and we must continue to follow the science and leave no stone unturned as we do . . . It is clear that we need more research across a range of areas, which will entail further field visits.''.

(10) The March 30, 2021 Joint Statement on the WHO-convened COVID–19 Origins Study by the United States and 13 other countries recognized the severe shortcomings of the joint-study process and called for ''a transparent and independent analysis and evaluation, free from interference and undue influence.''.

(11) In spite of the devastation the COVID–19 pandemic has caused in the United States and around the world, no process currently exists to ensure a comprehensive investigation into the origins of COVID–19.

(12) Such an investigation is essential for ensuring this type of crisis never happens again for the benefit of all people, all nations, and future generations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a comprehensive scientific and forensic investigation to determine the origins of COVID–19 must be conducted immediately, with full and unrestricted access to all relevant records, samples, and personnel, particularly in China, and that such investigation must fully explore all possible origins of the COVID–19 pandemic, including an exclusively ''natural'' zoonosis in the wild, human contamination in an animal farm, and a research-related accident;

(2) the United States delegation to the World Health Assembly should do everything in its power, in concert with allies and partners around the world, to ensure that a full and unrestricted international scientific and forensic investigation into the origins of COVID–19, with full access to all relevant records, samples, and personnel in China, will be authorized by the World Health Assembly and implemented with extreme urgency; and

(3) if the Chinese government does not, by the end of the 2021 World Health Assembly, indicate its full support for a comprehensive investigation to determine the origins of COVID–19 with unrestricted access to all relevant records, samples, and personnel in China, then the United States Government should immediately begin planning a parallel comprehensive and data-driven investigation into the origins of COVID–19, in concert with willing partner governments and experts around the world.

AUTHORITY FOR COMMITTEES TO MEET

Ms. HIRONO. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Monday, May 24, 2021, at 6 p.m., to conduct a closed hearing.

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that the following members from my personal office and Committee on Finance teams be granted floor privileges for the remainder of the Congress: Jake Pasner, Jonathan Beier, Erik Schnotala, Raghav Aggarwal, and Marisa Dowling.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 1775 and H.R. 3237

Mr. SCHUMER. Madam President, I understand there are two bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The leader is correct.

The clerk will read the bills by title for the second time en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 1775) to address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, and for other purposes.

A bill (H.R. 3237) making emergency supplemental appropriations for the fiscal year ending September 30, 2021, and for other purposes.

Mr. SCHUMER. Madam President, in order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND LEADERS OF CHARTER SCHOOLS ACROSS THE UNITED STATES FOR MAKING ONGOING CONTRIBUTIONS TO EDUCATION, AND SUPPORTING THE IDEALS AND GOALS OF THE 22ND ANNUAL NATIONAL CHARTER SCHOOLS WEEK, TO BE HELD MAY 9 THROUGH MAY 15, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 230, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 230) congratulating the students, parents, teachers, and leaders of charter schools across the United States for making ongoing contributions to education, and supporting the ideals and goals of the 22nd annual National Charter Schools Week, to be held May 9 through May 15, 2021.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 17, 2021, AS ''DIPG PEDIATRIC BRAIN CANCER AWARENESS DAY''

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 231, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 231) expressing support for the designation of May 17, 2021, as ''DIPG Pediatric Brain Cancer Awareness Day'' to raise awareness of and encourage research on diffuse intrinsic pontine glioma tumors and pediatric cancers in general.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, MAY 25, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, May 25; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of Executive Calendar No. 117, Chiquita Brooks-LaSure, to be Administrator of the Centers for Medicare and Medicaid Services, postcloture; further, that all time on the Brooks-LaSure nomination be considered expired at 11:45 a.m.; that the Senate recess following the cloture vote on the Clarke nomination until 2:15 p.m. to allow for the weekly caucus meetings; that if cloture is invoked on the Clarke nomination, all postcloture debate time be considered expired at 2:30 p.m.; and finally, that if any of the nominations are confirmed, the motions to reconsider be considered made